

EXHIBIT 100 – A

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 - - -

5 IN RE: NATIONAL : MDL NO. 2804
6 PRESCRIPTION OPIATE :
7 LITIGATION :

7 : CASE NO.
8 THIS DOCUMENT : 1:17-MD-2804
9 RELATES TO ALL CASES:

 : Hon. Dan A.
 : Polster

10 - - -

 Tuesday, November 27, 2018

11 - - -

12 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
13 CONFIDENTIALITY REVIEW

14 - - -

15 Videotaped deposition of
16 KEVIN KREUTZER, taken pursuant to notice,
17 was held at the law offices of Reed Smith
18 LLP, Three Logan Square, 1717 Arch
19 Street, Suite 3100, Philadelphia,
20 Pennsylvania 19103, beginning at 9:34
21 a.m., on the above date, before Amanda
22 Dee Maslynsky-Miller, a Certified
23 Realtime Reporter.

24 - - -

23 GOLKOW LITIGATION SERVICES
24 877.370.3377 ph | 917.591.5672 fax
 deps@golkow.com

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 BARON & BUDD, P.C. 4 BY: WILLIAM POWERS, ESQUIRE 5 600 New Hampshire Avenue, N.W. 6 Washington, D.C. 7 (202) 333-4562 8 Wpowers@baronbudd.com 9 - and - 10 11 BY: STERLING CLUFF, ESQUIRE 12 15910 Ventura Boulevard 13 Suite 1600 14 Encino, California 91436 15 (818) 839-2333 16 scluff@baronbudd.com 17 Representing the Plaintiffs 18 19 REED SMITH, LLP 20 BY: ROBERT A. NICHOLAS, ESQUIRE 21 BY: JOSEPH J. MAHADY, ESQUIRE 22 BY: SAMANTHA L. ROCCHINO, ESQUIRE 23 Three Logan Square 24 1717 Arch Street Philadelphia, Pennsylvania 19103 (215) 851-8100 Rnicholas@reedsmith.com Jmahady@reedsmith.com Sroccchino@reedsmith.com Representing the Defendant, Amerisource Bergen Drug Corporation</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES: (Continued) 2 VIA TELEPHONE/LIVESTREAM: 3 4 5 BARTLIT BECK LLP 6 By: SHARON DESH, ESQUIRE 7 Courthouse Place 8 54 West Hubbard Street, Suite 300 9 Chicago, Illinois 60654 10 (312) 494-4400 11 Sharon.desh@bartlit-beck.com 12 Representing the Defendant, 13 Walgreens 14 15 PELINI CAMPBELL & WILLIAMS, LLC 16 BY: ERIC J. WILLIAMS, ESQUIRE 17 8040 Cleveland Avenue NW 18 Suite 400 19 North Canton, Ohio 44720 20 (330) 305-6400 21 ejwilliams@pelini-law.com 22 Representing the Defendant, 23 Prescription Supply, Inc. 24 25 FOX ROTHSCHILD LLP 26 BY: JACOB S. PERSKIE, ESQUIRE 27 1301 Atlantic Avenue 28 Midtown Building, Suite 400 29 Atlantic City New Jersey 08401 30 (609) 348-4515 31 Jperskie@foxrothschild.com 32 Representing the Defendant, 33 Validus Pharmaceuticals 34</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: (Continued) 2 3 4 WILLIAMS & CONNOLLY, LLP 5 BY: MIRANDA PETERSEN, ESQUIRE 6 725 Twelfth Street, N.W. 7 Washington, DC 20005 8 (202) 434-5000 9 mpetersen@wc.com 10 Representing the Defendant, 11 Cardinal Health 12 13 COVINGTON & BURLING LLP 14 BY: KEVIN KELLY, ESQUIRE 15 850 Tenth Street, NW 16 Suite 856N 17 Washington, DC 20001 18 (202) 662-5000 19 kkelly@cov.com 20 Representing the Defendant, 21 McKesson Corporation 22 23 JONES DAY 24 BY: SARAH G. CONWAY, ESQUIRE 555 South Flower Street Fiftieth Floor Los Angeles, California 90071 (213) 489-3939 sgconway@jonesday.com Representing the Defendant, Walmart</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES: (Continued) 2 VIA TELEPHONE/LIVESTREAM: 3 4 MORGAN, LEWIS & BOCKIUS LLP 5 BY: JONATHAN E. MAIER, ESQUIRE 6 1111 Pennsylvania Ave. NW 7 Washington, DC 20004 8 (202) 739-3000 9 Jonathan.maier@morganlewis.com 10 Representing the Defendant, 11 Teva Pharmaceuticals, Inc., 12 Cephalon, Inc., Watson 13 Laboratories, Actavis LLC, and 14 Actavis Pharma, Inc 15 16 ALLEGAERT BERGER & VOGEL LLP 17 BY: JOHN S. CRAIG, ESQUIRE 18 111 Broadway, 20th Floor 19 New York, New York 10006 20 (212) 616-7075 21 Representing the Defendant, 22 Rochester Drug Cooperative 23 24 BARON & BUDD, P.C. 25 BY: JAY LICHTER, ESQUIRE 26 GRETCHEN KEARNEY, OFFICE MANAGER 27 15910 Ventura Boulevard 28 Suite 1600 29 Encino, California 91436 30 (818) 839-2333 31 Jlichter@baronbudd.com 32 Representing the Plaintiffs 33 34</p>

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<div>Page 7</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</div> <div>INDEX</div> <p>Testimony of: KEVIN KREUTZER</p> <p>By Mr. Cluff 11</p> <div>EXHIBITS</div> <table><thead><tr><th>NO.</th><th>DESCRIPTION</th><th>PAGE</th></tr></thead><tbody><tr><td>Exhibit-1</td><td>AmerisourceBergen-Kreutzer ABDC_MDL_00304391-392</td><td>164</td></tr><tr><td>Exhibit-2</td><td>AmerisourceBergen-Kreutzer ABDC_MDL_00154441-443</td><td>176</td></tr><tr><td>Exhibit-3</td><td>AmerisourceBergen-Kreutzer Teva_MDL_A_(0)233-1299-320</td><td>223</td></tr><tr><td>Exhibit-4</td><td>AmerisourceBergen-Kreutzer Teva_MDL_A_(0)233-1346-348</td><td>250</td></tr><tr><td>Exhibit-5</td><td>AmerisourceBergen-Kreutzer Teva_MDL_A_(0)233-1426-428</td><td>274</td></tr><tr><td>Exhibit-6</td><td>AmerisourceBergen-Kreutzer ABDC_MDL_0045077</td><td>304</td></tr><tr><td>Exhibit-7</td><td>AmerisourceBergen-Kreutzer ABCD_MDL_0045075</td><td>306</td></tr></tbody></table>	NO.	DESCRIPTION	PAGE	Exhibit-1	AmerisourceBergen-Kreutzer ABDC_MDL_00304391-392	164	Exhibit-2	AmerisourceBergen-Kreutzer ABDC_MDL_00154441-443	176	Exhibit-3	AmerisourceBergen-Kreutzer Teva_MDL_A_(0)233-1299-320	223	Exhibit-4	AmerisourceBergen-Kreutzer Teva_MDL_A_(0)233-1346-348	250	Exhibit-5	AmerisourceBergen-Kreutzer Teva_MDL_A_(0)233-1426-428	274	Exhibit-6	AmerisourceBergen-Kreutzer ABDC_MDL_0045077	304	Exhibit-7	AmerisourceBergen-Kreutzer ABCD_MDL_0045075	306	<div>Page 9</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</div> <div>DEPOSITION SUPPORT INDEX</div> <p>Direction to Witness Not to Answer</p> <table><thead><tr><th>Page Line</th><th>Page Line</th><th>Page Line</th></tr></thead><tbody><tr><td>None</td><td></td><td></td></tr></tbody></table> <p>Request for Production of Documents</p> <table><thead><tr><th>Page Line</th><th>Page Line</th><th>Page Line</th></tr></thead><tbody><tr><td>None</td><td></td><td></td></tr></tbody></table> <p>Stipulations</p> <table><thead><tr><th>Page Line</th><th>Page Line</th><th>Page Line</th></tr></thead><tbody><tr><td>10</td><td>1</td><td></td></tr></tbody></table> <p>Question Marked</p> <table><thead><tr><th>Page Line</th><th>Page Line</th><th>Page Line</th></tr></thead><tbody><tr><td>None</td><td></td><td></td></tr></tbody></table>	Page Line	Page Line	Page Line	None			Page Line	Page Line	Page Line	None			Page Line	Page Line	Page Line	10	1		Page Line	Page Line	Page Line	None		
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<p style="text-align: right;">Page 10</p> <p>1 - - -</p> <p>2 (It is hereby stipulated and</p> <p>3 agreed by and among counsel that</p> <p>4 sealing, filing and certification</p> <p>5 are waived; and that all</p> <p>6 objections, except as to the form</p> <p>7 of the question, will be reserved</p> <p>8 until the time of trial.)</p> <p>9 - - -</p> <p>10 VIDEO TECHNICIAN: We are</p> <p>11 now on the record. My name is</p> <p>12 Devyn Mulholland, I'm a</p> <p>13 videographer for Golkow Litigation</p> <p>14 Services. Today's date is</p> <p>15 November 27, 2018. The time is</p> <p>16 9:34 a.m.</p> <p>17 This video deposition is</p> <p>18 being held in Philadelphia,</p> <p>19 Pennsylvania, in the matter of</p> <p>20 National Prescription Opiate</p> <p>21 Litigation. The deponent is Kevin</p> <p>22 Kreutzer.</p> <p>23 Counsel will be noted on the</p> <p>24 stenographic record. The court</p>	<p style="text-align: right;">Page 12</p> <p>1 deposition taken before?</p> <p>2 A. I have not.</p> <p>3 Q. I'm sure that your esteemed</p> <p>4 lawyers have explained sort of the</p> <p>5 deposition protocols for you, so I'm</p> <p>6 going to skip some of the admonitions.</p> <p>7 But just remind you that</p> <p>8 you're under oath, so we need to get</p> <p>9 truthful answers from you.</p> <p>10 And also remind you not to</p> <p>11 disclose any attorney-client privilege,</p> <p>12 and that if you feel like you need to</p> <p>13 discuss with your lawyers about a</p> <p>14 privilege, we can make arrangements for</p> <p>15 that.</p> <p>16 In addition to that, we're</p> <p>17 entitled to your best recollection. If</p> <p>18 you don't recall, you can tell me that.</p> <p>19 And I'd also caution you not to guess at</p> <p>20 an answer. If you don't know, just let</p> <p>21 me know.</p> <p>22 Does that all make sense?</p> <p>23 A. Yes.</p> <p>24 Q. So how long have you worked</p>
<p style="text-align: right;">Page 11</p> <p>1 reporter is Amanda Miller and will</p> <p>2 now swear in the witness.</p> <p>3 - - -</p> <p>4 KEVIN KREUTZER, after having</p> <p>5 been duly sworn, was examined and</p> <p>6 testified as follows:</p> <p>7 - - -</p> <p>8 EXAMINATION</p> <p>9 - - -</p> <p>10 BY MR. CLUFF:</p> <p>11 Q. Good morning, Mr. Kreutzer.</p> <p>12 As I explained earlier, my name is</p> <p>13 Sterling Cluff, I work at a law firm</p> <p>14 called Baron and Budd, and we represent</p> <p>15 the Track 1 plaintiffs in the national</p> <p>16 opiate litigation. And I'll be taking</p> <p>17 your deposition today.</p> <p>18 To start off, could you just</p> <p>19 spell your first and last name for the</p> <p>20 record, so we have a clear record of</p> <p>21 that, please?</p> <p>22 A. Sure. It's K-E-V-I-N. Last</p> <p>23 name is K-R-E-U-T-Z-E-R.</p> <p>24 Q. And have you ever had your</p>	<p style="text-align: right;">Page 13</p> <p>1 for AmerisourceBergen?</p> <p>2 A. Since 2007, so going on 11</p> <p>3 years.</p> <p>4 Q. Has your employment with</p> <p>5 AmerisourceBergen been continuous since</p> <p>6 2007?</p> <p>7 A. It has not.</p> <p>8 Q. When you began with</p> <p>9 Amerisource -- well, when you joined the</p> <p>10 company in 2007, was it AmerisourceBergen</p> <p>11 or was it some previous entity that</p> <p>12 merged into AmerisourceBergen?</p> <p>13 A. It was AmerisourceBergen.</p> <p>14 Q. And what was your title at</p> <p>15 the time that you joined</p> <p>16 AmerisourceBergen?</p> <p>17 A. I believe my title was</p> <p>18 collections associate.</p> <p>19 Q. And do you recall what month</p> <p>20 in 2007 you started with Amerisource?</p> <p>21 A. It was April.</p> <p>22 Q. And you believe your title</p> <p>23 at that time was collections associate?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. Do you recall how long you 2 held that position? 3 A. Approximately a year 4 and-a-half. 5 Q. So that would have been 6 until approximately the middle of 2009? 7 A. I believe so, yes. 8 Q. And after you were a 9 collections associate, do you recall what 10 your next position with AmerisourceBergen 11 was? 12 A. Yes. It was diversion 13 control specialist. 14 Q. And to the best of your 15 recollection, you would have assumed that 16 position in -- some time in 2009? 17 A. Yes. 18 Q. What position did you -- did 19 your position ever change at 20 AmerisourceBergen after you became a 21 diversion control specialist? 22 A. I received a promotion last 23 year to diversion control investigator. 24 Q. So that would have been</p>	<p style="text-align: right;">Page 16</p> <p>1 reporting to Mr. Cherveny? 2 A. I believe it was 2015. 3 Q. At the time you're 4 reporting -- at the time that that change 5 occurred, do you recall why you began 6 reporting to Mr. Cherveny instead of Mr. 7 Hazewski? 8 A. I do not. 9 Q. Was there any change in your 10 responsibilities after you began 11 reporting to Mr. Cherveny? 12 A. No. 13 Q. To fast-forward to the 14 change to a diversion control 15 investigator, did you report to anybody 16 in that role? 17 A. I'm sorry, could you ask 18 that again? 19 Q. Sure. No problem. 20 When you were promoted to a 21 diversion control investigator, prior to 22 that time, were you still reporting to 23 Mr. Cherveny? 24 A. Yes.</p>
<p style="text-align: right;">Page 15</p> <p>1 2017? 2 A. Yes. 3 Q. So between 2009 and 2017, 4 leaving out the time when you were 5 employed elsewhere, you were a diversion 6 control specialist? 7 A. Yes. 8 Q. And what department did you 9 work in as a diversion control 10 specialist? 11 A. It was corporate security 12 and regulatory affairs. 13 Q. And did you report to anyone 14 in that department? 15 A. Yes. 16 Q. Who was that? 17 A. Ed Hazewski. 18 Q. Was it Mr. Hazewski for the 19 entire time you were a diversion control 20 specialist? 21 A. No, it was not. 22 Q. Who else did you report to? 23 A. Eric Cherveny. 24 Q. Do you recall when you began</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. And after you were promoted, 2 did you continue to report to Mr. 3 Cherveny? 4 A. Yes. 5 Q. Was there any change in your 6 job responsibilities when you became a 7 diversion control investigator? 8 A. No. They were pretty much 9 the same. 10 Q. You said there was a brief 11 interruption in your employment with 12 AmerisourceBergen. 13 What happened there? 14 A. I applied for a position for 15 Teva Pharmaceuticals. 16 Q. When was that? 17 A. I started January 7th, I 18 believe, of 2012. 19 Q. That's a pretty specific 20 date. 21 Is there some reason why 22 that date stands out to you? 23 A. I just remember the date. 24 Q. What prompted the</p>

<p style="text-align: right;">Page 18</p> <p>1 application to Teva Pharmaceuticals?</p> <p>2 A. It was a brand-new position</p> <p>3 for the company.</p> <p>4 Q. And why did you want to</p> <p>5 apply for that brand-new position?</p> <p>6 A. I thought my skill set</p> <p>7 matched the job requirements.</p> <p>8 Q. What was the -- do you</p> <p>9 recall what the title of the position you</p> <p>10 applied for was?</p> <p>11 A. I believe it was diversion</p> <p>12 operations manager.</p> <p>13 Q. And it was your</p> <p>14 understanding -- or was it your</p> <p>15 understanding, at the time, that Teva</p> <p>16 Pharmaceuticals had never had a diversion</p> <p>17 operations manager before?</p> <p>18 A. That was my understanding.</p> <p>19 Q. During the interview process</p> <p>20 with Teva, did you form an understanding</p> <p>21 as to why Teva Pharmaceuticals was</p> <p>22 creating this new position?</p> <p>23 A. No.</p> <p>24 Q. Did you ask?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. No. No, I don't.</p> <p>2 Q. If later we showed you some</p> <p>3 documents between -- e-mail</p> <p>4 correspondence between you and Ms.</p> <p>5 McGinn, do you think it would refresh</p> <p>6 your recollection about her title and her</p> <p>7 position?</p> <p>8 A. Perhaps.</p> <p>9 Q. Do you recall, when you</p> <p>10 worked at Teva Pharmaceuticals,</p> <p>11 exchanging e-mail correspondence with Ms.</p> <p>12 McGinn?</p> <p>13 A. Yes.</p> <p>14 Q. Did you report directly to</p> <p>15 her at the time?</p> <p>16 A. I did.</p> <p>17 Q. So in January 2012, you</p> <p>18 joined Teva Pharmaceuticals.</p> <p>19 And, if I recall correctly,</p> <p>20 you were applying for the division</p> <p>21 operations manager -- or diversion</p> <p>22 operations manager position, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And did you succeed in</p>
<p style="text-align: right;">Page 19</p> <p>1 A. I'm sure I did, but I don't</p> <p>2 remember the questions that I asked.</p> <p>3 Q. And so looking back today,</p> <p>4 you don't recall if you learned why Teva</p> <p>5 was creating this new position?</p> <p>6 A. I don't know the specifics.</p> <p>7 I don't recall the specifics.</p> <p>8 Q. You said you started on</p> <p>9 January 7th, 2012.</p> <p>10 Do you recall when you would</p> <p>11 have filled out the application, or when</p> <p>12 you began the application process?</p> <p>13 A. I'm not exactly sure. Maybe</p> <p>14 September or October of 2012, or maybe</p> <p>15 that was 2011.</p> <p>16 Q. Do you recall who you met</p> <p>17 with at Teva Pharmaceuticals about this</p> <p>18 new position?</p> <p>19 A. Yes. Colleen McGinn.</p> <p>20 Q. And who is she?</p> <p>21 A. She was my director that I</p> <p>22 would be reporting to.</p> <p>23 Q. Do you recall her -- the</p> <p>24 title of her position?</p>	<p style="text-align: right;">Page 21</p> <p>1 securing that position?</p> <p>2 A. I did.</p> <p>3 Q. And when you began working</p> <p>4 for Teva Pharmaceuticals, was your job</p> <p>5 title the same one that you applied for?</p> <p>6 A. Yes.</p> <p>7 Q. How long were you employed</p> <p>8 with Teva Pharmaceuticals?</p> <p>9 A. Three months.</p> <p>10 Q. Did you say three months?</p> <p>11 A. Yes.</p> <p>12 Q. What happened -- what</p> <p>13 happened when you left Teva</p> <p>14 Pharmaceuticals? Did you go -- what</p> <p>15 happened with your job -- those are all</p> <p>16 bad questions.</p> <p>17 What did you do after those</p> <p>18 three months?</p> <p>19 A. What did I do after those</p> <p>20 three months?</p> <p>21 Q. Yes.</p> <p>22 A. I went back to</p> <p>23 AmerisourceBergen.</p> <p>24 Q. So is it your recollection,</p>

<p style="text-align: right;">Page 22</p> <p>1 then, that you rejoined AmerisourceBergen 2 in the middle of 2012? 3 A. Yes. Towards the end of 4 April 2012 -- or, no, I'm sorry. 2013 -- 5 yes, 2012. 6 Q. 2012. 7 A. Yes. 8 Q. Is it possible that you 9 worked at Teva for a year and three 10 months instead of just three months? 11 A. No. 12 Q. No. 13 Is there a reason why you 14 were considering that possibly you had 15 worked there until 2013? 16 A. Just mixing up the dates. 17 Q. Certainly. 18 So the jobs we've talked 19 about today, between AmerisourceBergen 20 and Teva Pharmaceuticals, is that 21 fully -- have we fully discussed all of 22 the positions you've had with 23 AmerisourceBergen and Teva 24 Pharmaceuticals?</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Approximately a year. 2 Q. And then did your title 3 change at that point? 4 A. I applied for another 5 position in the packaging department. 6 Q. So you applied internally 7 with -- 8 A. Internally. 9 Q. -- Wyeth? 10 A. Yes. 11 Q. One thing we should just 12 point out again, and we haven't had a 13 problem with it yet, but we shouldn't 14 talk over each other, to the best of our 15 ability. So I'll do my best to let you 16 finish all of your answers. 17 The only reason is we have 18 to let the court reporter get everything 19 that we're saying, so. 20 A. Sure. 21 Q. I'm reminding myself, just 22 as much as I'm reminding you. Thank you. 23 What was the job title that 24 you applied for in the packaging</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Yes. 2 Q. Prior to joining 3 AmerisourceBergen in 2007, were you 4 employed? 5 A. Yes. 6 Q. Where were you employed? 7 A. Wyeth Pharmaceuticals. 8 Q. What is Wyeth? 9 A. Wyeth Pharmaceuticals was a 10 manufacturer of pharmaceutical products. 11 However, they've been sold off and now 12 part of Pfizer. 13 Q. What was your responsibility 14 there, or what was your position? 15 A. I worked for Wyeth 16 Pharmaceuticals for 14 years. I had many 17 different positions there. 18 Q. What's the -- what's the job 19 title -- the earliest job title you can 20 recall? 21 A. Back in 1992, I was a 22 security officer. 23 Q. How long did you hold that 24 position?</p>	<p style="text-align: right;">Page 25</p> <p>1 department at Wyeth? 2 A. I don't know the exact 3 title. It was packaging operator. I'm 4 not exactly sure. I don't remember -- 5 recall. 6 Q. And how long did you hold 7 that position? 8 A. Approximately a year 9 and-a-half. 10 Q. And then what happened? 11 A. And then that department was 12 outsourced to Puerto Rico. 13 Q. Did you go to Puerto Rico? 14 A. I did not. 15 Q. Sorry to hear that. 16 What did you do instead? 17 A. I applied for another 18 position internally in the accounts 19 receivable department. 20 Q. And do you recall what that 21 position was? 22 A. Accounts receivable 23 representative. 24 Q. And how long did you hold</p>

<p style="text-align: right;">Page 26</p> <p>1 that position?</p> <p>2 A. This is only an</p> <p>3 approximation. I received a couple</p> <p>4 promotions in that department. Maybe two</p> <p>5 years, three years tops.</p> <p>6 Q. So you were in the accounts</p> <p>7 receivable department for approximately</p> <p>8 two years, but you had some promotions?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall what those</p> <p>11 promotions were?</p> <p>12 A. It was just a level up, from</p> <p>13 a rep 1 to a rep 2.</p> <p>14 Q. Would your job</p> <p>15 responsibilities essentially have stayed</p> <p>16 the same between rep 1 and rep 2?</p> <p>17 A. Pretty much so, yes.</p> <p>18 Q. And what happened after --</p> <p>19 after the accounts receivable department?</p> <p>20 A. Then I applied for a</p> <p>21 position in the credit department, credit</p> <p>22 and collections.</p> <p>23 Q. Is that the name of the</p> <p>24 department or is that --</p>	<p style="text-align: right;">Page 28</p> <p>1 that credit and collections department,</p> <p>2 is that the reason you applied to</p> <p>3 AmerisourceBergen?</p> <p>4 A. Yes. They closed the entire</p> <p>5 department, and that was outsourced to</p> <p>6 India.</p> <p>7 Q. Did you hold any other</p> <p>8 positions when you were with Wyeth</p> <p>9 Pharmaceuticals?</p> <p>10 A. No.</p> <p>11 Q. Do you know when Wyeth</p> <p>12 Pharmaceuticals was merged into or</p> <p>13 acquired by Pfizer?</p> <p>14 A. I'm not sure of the exact</p> <p>15 year.</p> <p>16 Q. I want to start back at the</p> <p>17 beginning with your job history at Wyeth</p> <p>18 to kind of understand some of your roles</p> <p>19 and responsibilities.</p> <p>20 So I believe you said you</p> <p>21 started in approximately 1992 there,</p> <p>22 "there" being Wyeth, as a security</p> <p>23 officer?</p> <p>24 A. Correct.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. -- the position?</p> <p>3 A. Of the department.</p> <p>4 Q. And what was your title</p> <p>5 there?</p> <p>6 A. Initially, it was a credit</p> <p>7 correspondent.</p> <p>8 Q. How long did you hold that</p> <p>9 position?</p> <p>10 A. I'm not exactly sure. Maybe</p> <p>11 three years.</p> <p>12 Q. And what happened after</p> <p>13 those three years?</p> <p>14 A. And then I received a</p> <p>15 promotion to a credit analyst.</p> <p>16 Q. How long were you a credit</p> <p>17 analyst?</p> <p>18 A. Until the day I left the</p> <p>19 department. Well, the department was</p> <p>20 outsourced, in 2006. Or 2007, I'm sorry.</p> <p>21 Q. And 2007 is when you joined</p> <p>22 AmerisourceBergen?</p> <p>23 A. Yes.</p> <p>24 Q. And is the outsourcing of</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. What was your -- what were</p> <p>2 your responsibilities as a security</p> <p>3 officer?</p> <p>4 A. I conducted rounds of the</p> <p>5 facility. I also greeted everybody as</p> <p>6 they walked into the building. I</p> <p>7 inspected packages as they left the</p> <p>8 building and conducted some</p> <p>9 investigations involving theft.</p> <p>10 Q. So aside from the</p> <p>11 investigations involving theft, it sounds</p> <p>12 like the majority of your responsibility</p> <p>13 as a security officer was, essentially,</p> <p>14 to be a security guard, right?</p> <p>15 A. Pretty much, yes.</p> <p>16 Q. You said -- you referred to</p> <p>17 the facility.</p> <p>18 What was the facility?</p> <p>19 A. The manufacturing site, the</p> <p>20 building. We had, actually, three</p> <p>21 buildings.</p> <p>22 Q. Were you a security officer</p> <p>23 responsible for all three?</p> <p>24 A. For all three.</p>

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1 Q. How did that work out? Let
2 me be more specific.
3 So were you assigned to
4 patrol all three at one time, or some
5 days you were assigned to one facility
6 and other days another facility?
7 A. I was pretty much assigned
8 to all three.
9 Q. So when you were conducting
10 rounds, you would patrol all three
11 facilities?
12 A. Yes.
13 Q. Was there a central desk
14 where people would come in and out of to
15 get into the three facilities?
16 A. Yes.
17 Q. What kind of pharmaceutical
18 products do you recall that Wyeth
19 manufactured?
20 A. Prevnar. There was birth
21 control pills. Penicillin. Those are
22 the three that I recollect the most.
23 Q. Do you recall if Wyeth
24 Pharmaceuticals manufactured any Schedule

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1 II or Schedule III controlled substances?
2 A. I don't recall.
3 Q. Are you familiar with what a
4 Schedule II controlled substance is?
5 A. Yes.
6 Q. And are you familiar with
7 what a Schedule III controlled substance
8 is?
9 A. Yes, in basic -- yeah.
10 Q. So did you understand, at
11 the time you worked at Wyeth
12 Pharmaceuticals, what Schedule II or III
13 controlled substances were?
14 A. No.
15 Q. So if Wyeth had been
16 manufacturing them, you wouldn't have
17 known about it?
18 MR. NICHOLAS: Object to
19 form.
20 Go ahead.
21 THE WITNESS: I may not
22 have.
23 BY MR. CLUFF:
24 Q. So it's possible -- well,

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1 would you agree with me that it's
2 possible Wyeth manufactured controlled
3 substances, you just may not have been
4 aware of it?
5 A. They may have and I'm just
6 not aware.
7 Q. Do you recall if, as a
8 security officer, you received any
9 training about controlled substances?
10 A. No, I did not.
11 Q. Did you have any other
12 responsibilities aside from, you know,
13 conducting the rounds and conducting the
14 investigations at Wyeth as a security
15 officer?
16 A. I don't recall any
17 additional responsibilities.
18 Q. When you mentioned
19 conducting investigations, I believe you
20 referred to it as conducting
21 investigations about theft.
22 Is that accurate?
23 A. Correct.
24 Q. What was your understanding

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1 of that responsibility as a security
2 officer?
3 A. It was involving theft of
4 personnel, associates that had items
5 stolen from their desks or offices.
6 Q. Are you referring to
7 personal items?
8 A. Personal items, yes.
9 Q. So you were not
10 investigating thefts of any of the drugs
11 that Wyeth manufactured?
12 A. No.
13 Q. When you worked at Wyeth
14 Pharmaceuticals as a security
15 investigator, did you receive any
16 training about diversion?
17 A. I did not.
18 Q. I should have asked this
19 question first.
20 Are you familiar with the
21 concept of diversion?
22 A. Yes.
23 Q. But at the time you worked
24 at Wyeth, you did not receive any

<p style="text-align: right;">Page 34</p> <p>1 training about it?</p> <p>2 A. I did not.</p> <p>3 Q. Understood.</p> <p>4 How about suspicious orders;</p> <p>5 were you familiar with the term</p> <p>6 "suspicious orders" when you worked at</p> <p>7 Wyeth?</p> <p>8 A. No.</p> <p>9 Q. You didn't receive any</p> <p>10 training about suspicious orders at</p> <p>11 Wyeth?</p> <p>12 A. I did not.</p> <p>13 Q. You said after about a year</p> <p>14 as a security officer you applied</p> <p>15 internally for a job with the packaging</p> <p>16 department?</p> <p>17 A. Yes.</p> <p>18 Q. And your best recollection</p> <p>19 is that you assumed a position that you</p> <p>20 referred to as a packing operator,</p> <p>21 correct?</p> <p>22 A. Correct.</p> <p>23 Q. Would that have been within</p> <p>24 the same facilities where you were a</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. So as a packing operator,</p> <p>2 you were ensuring that the pills were</p> <p>3 placed into their individual packages</p> <p>4 correctly?</p> <p>5 A. Blister packs, yes.</p> <p>6 Q. Did you, as a packing</p> <p>7 operator, ever have any responsibility</p> <p>8 for taking individual packaging and</p> <p>9 putting them into a larger shipment?</p> <p>10 A. Yes.</p> <p>11 Q. What was that process like?</p> <p>12 A. It was -- it was a belt,</p> <p>13 belt-fed line, and we would collect the</p> <p>14 blister packs and place them in the box.</p> <p>15 And then once that box was full, wrap it</p> <p>16 up and put it on a pallet.</p> <p>17 Q. So, essentially, an assembly</p> <p>18 line of packages coming to you that</p> <p>19 you're going to pack into a larger box?</p> <p>20 A. Yes.</p> <p>21 Q. Did you, as part of the</p> <p>22 individual packaging and the larger</p> <p>23 shipment packaging, get any training</p> <p>24 about security related to the manufacture</p>
<p style="text-align: right;">Page 35</p> <p>1 security officer?</p> <p>2 A. Yes.</p> <p>3 Q. And what were your</p> <p>4 responsibilities as a packing officer --</p> <p>5 or operator, excuse me?</p> <p>6 A. I was packaging, I think it</p> <p>7 was mostly birth control pills. And I</p> <p>8 was also a machine operator there as</p> <p>9 well, all in the same department.</p> <p>10 Q. And the department you're</p> <p>11 referring to is the packaging department?</p> <p>12 A. Packaging, yes.</p> <p>13 Q. What's the procedure like</p> <p>14 for packaging drugs at Wyeth, or was it</p> <p>15 like, excuse me?</p> <p>16 MR. NICHOLAS: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: It was just</p> <p>19 ensuring they were color-coded</p> <p>20 pills in different rows, and we</p> <p>21 had to ensure that the pills were</p> <p>22 not cracked or missing, to that</p> <p>23 extent.</p> <p>24 BY MR. CLUFF:</p>	<p style="text-align: right;">Page 37</p> <p>1 of drugs or controlled substances?</p> <p>2 A. No, I don't believe so.</p> <p>3 Q. You mentioned the birth</p> <p>4 control pills.</p> <p>5 Did you ever have</p> <p>6 responsibility for packaging any other</p> <p>7 kinds of products that Wyeth</p> <p>8 manufactured?</p> <p>9 A. Penicillin.</p> <p>10 Q. Did you get any training</p> <p>11 about security related to packaging</p> <p>12 penicillin?</p> <p>13 A. No, I don't believe I did.</p> <p>14 Q. And what was your other job</p> <p>15 responsibility as a packaging operator?</p> <p>16 A. I was also a machine</p> <p>17 operator there as well.</p> <p>18 Q. And what was involved in</p> <p>19 being a machine operator?</p> <p>20 A. Just ensuring that there</p> <p>21 were pills in the hopper so they could be</p> <p>22 fed into blister packs and sent down the</p> <p>23 line.</p> <p>24 Q. What's a hopper?</p>

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1 A. It's a pill hopper. It's
2 like a circular -- a cylinder-type object
3 and all the pills are in there and they
4 are fed into the blister packs and made.
5 Q. So it's a large piece of
6 machinery --
7 A. Yes.
8 Q. -- that pills come into; is
9 that right?
10 A. Yes.
11 Q. And then the pills go
12 through the machine and into the blister
13 packs?
14 A. Correct. And sent down the
15 line, which is belt-fed.
16 Q. And the line out of the bell
17 feed -- or belt feed goes to the people
18 packaging?
19 A. Yes. So there will be
20 approximately three people on each side
21 checking the blister packs.
22 Q. And that was, like you said,
23 to make sure that they weren't cracked or
24 they had been packaged appropriately?

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1 A. Correct.
2 Q. Did you have any other job
3 responsibilities within the packing
4 department that we haven't discussed?
5 A. I believe that's it.
6 Q. And you worked in the
7 packing department for approximately a
8 year and-a-half, right?
9 A. Approximately a year
10 and-a-half, two years.
11 Q. Before the packing
12 department was outsourced to Puerto Rico,
13 had you considered leaving that
14 department for another department in
15 Wyeth?
16 A. I may have, but I don't
17 recall.
18 Q. So, then, the outsourcing to
19 Puerto Rico, was that the primary reason
20 why you left the packing department?
21 A. I believe so, yes.
22 Q. So after the packing
23 department was outsourced, you went to
24 the accounts receivable department, and

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1 your best recollection was that you took
2 on a role that you described as rep 1; is
3 that right?
4 A. Correct.
5 Q. And what was your job
6 responsibility in the accounts receivable
7 department?
8 A. We would receive invoices
9 and -- I believe we would receive mail
10 from the customers with invoices and
11 checks where they were paying for their
12 products.
13 Q. And so what were you doing
14 with the invoices and the checks that you
15 received?
16 A. Entering them into the
17 system.
18 Q. What system was that?
19 A. It was a mainframe system.
20 Q. Was this essentially like a
21 data entry job?
22 A. It was data entry and
23 ensuring that the customers were paying
24 for their invoices. I vaguely remember

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1 the details of this position, since it
2 was so long ago.
3 Q. Did you have any
4 responsibility for pills within the
5 accounts receivable department?
6 A. No.
7 Q. Did you get any training
8 about security while you were in the
9 accounts receivable department?
10 A. No.
11 Q. Did you receive any training
12 about diversion when you were in the
13 accounts receivable department?
14 A. No.
15 Q. Did you receive any training
16 about suspicious orders when you were in
17 the accounts receivable department?
18 A. No.
19 Q. Just circling back to the
20 packing department again, did you receive
21 any training about security when you
22 worked in the packing department?
23 A. No.
24 Q. How about diversion?

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1 A. No.
 2 Q. Suspicious orders?
 3 A. No.
 4 Q. And so back to the accounts
 5 receivable, you received a couple of
 6 promotions, you said, while you were in
 7 accounts receivable; is that right?
 8 A. Yes.
 9 Q. And I think you referred to
 10 those as moving from rep 1 to rep 2; is
 11 that right?
 12 A. Yes.
 13 Q. And were your job
 14 responsibilities essentially the same the
 15 entire time you were in that department?
 16 A. I believe they increased
 17 where -- from what I remember, is that I
 18 was entering -- it was a cash
 19 application, where I was entering the
 20 payments of the invoices that the
 21 customers made to their accounts.
 22 Q. And that's a job
 23 responsibility you assumed when you
 24 became a rep 2?

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1 A. Yes.
 2 Q. And, again, there the
 3 responsibility was mainly ensuring the
 4 customers were paying their bills?
 5 A. Correct.
 6 Q. Did you have any
 7 responsibility with looking at order
 8 forms when you were in the accounts
 9 receivable department?
 10 A. I don't recall.
 11 Q. Is it possible that you did
 12 have responsibility for that and just
 13 don't recall it?
 14 A. I just don't recall.
 15 Q. Do you remember the
 16 approximate years, not the number of
 17 years, but, like, the calendar years that
 18 you were in the accounts receivable
 19 department?
 20 A. I would only be guessing.
 21 Q. Was it in -- by your best
 22 estimate, would it have been in the late
 23 '90s or early 2000s?
 24 A. I was thinking maybe mid to

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1 late '90s.
 2 Q. And then after the accounts
 3 receivable department, you told me that
 4 you moved to the credit and collections
 5 department; is that accurate?
 6 A. Yes.
 7 Q. Do you recall what prompted
 8 that application?
 9 A. It was -- I was just looking
 10 to further my career in the company by
 11 applying for the position.
 12 Q. How did you feel like that
 13 would have furthered your career at that
 14 point?
 15 A. It would give me the
 16 opportunity to work more on computers.
 17 Q. So at that time, was Wyeth's
 18 business operation primarily by paper?
 19 A. It was a mix.
 20 Q. What was your job title in
 21 the credit and collections department?
 22 A. Credit correspondent,
 23 initially.
 24 Q. And what was your

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1 responsibility as a credit correspondent?
 2 A. I would have area
 3 responsibility, a region within the
 4 country, to follow up on customers'
 5 invoices where they were past due.
 6 Q. So does the word "credit"
 7 and "credit correspondent" refer to the
 8 fact that you had credited these
 9 customers and not been paid yet?
 10 A. Yes. They received the
 11 products and we have not yet received
 12 payment.
 13 Q. And how long were you a
 14 credit correspondent?
 15 A. I just don't remember how
 16 long. Two to three years, maybe.
 17 Q. And then at that point, you
 18 were promoted to a credit analyst,
 19 correct?
 20 A. Yes. I went back to school
 21 and I received my Associate's Degree, and
 22 I received that promotion. And I was
 23 continuing on in my education.
 24 Q. So prior to this time when

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1 you received your Associate's Degree, you
2 had not completed a degree after high
3 school?
4 A. I attended college, but I
5 did not fully complete college at that
6 point.
7 Q. Do you remember when you
8 received your Associate's Degree?
9 A. I believe it was 2003.
10 Q. And what was your degree in?
11 A. It was just general studies.
12 Q. And where did you get it
13 from?
14 A. University of Phoenix.
15 Q. Prior to getting the degree
16 from the University of Phoenix, did you
17 attend college classes, you said?
18 A. I did.
19 Q. Do you recall where that
20 was?
21 A. Yes. Community College of
22 Beaver County.
23 Q. Forgive my lack of knowledge
24 about the local area, is Beaver County in

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1 Pennsylvania?
2 A. It's Western PA, outside of
3 Pittsburgh.
4 Q. And what was the name of the
5 community college?
6 A. Community College of Beaver
7 County.
8 Q. Were you a full-time student
9 there or part-time student?
10 A. I believe I was part time.
11 Q. Do you recall how long you
12 were enrolled?
13 A. I believe it was three
14 years, two and-a-half to three years.
15 Q. Do you recall the general
16 time period you were enrolled?
17 A. It was from '84 to '86.
18 Q. And do you recall what you
19 studied?
20 A. Air traffic control.
21 Q. Was there any particular
22 reason why you didn't complete that
23 course of study?
24 A. I decided it was not for me.

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1 Q. And what did you do -- were
2 you working at the time?
3 A. I was working, yes.
4 Q. So what prompted you to go
5 back to school to get the Associate's
6 Degree when you were in the credit and
7 collections department?
8 A. I just realized that in
9 order for me to have a better life, I
10 needed to go back to school and have more
11 career opportunities.
12 Q. Were the classes you took at
13 the University of Phoenix, were they
14 tailored to helping improve your ability
15 to conduct your -- or to fulfill your job
16 responsibilities as a credit analyst?
17 A. It certainly helped.
18 Q. What were your job
19 responsibilities as a credit analyst?
20 A. They were similar to the
21 duties of a credit correspondent, but I
22 had larger accounts to manage.
23 Q. When you discussed the
24 responsibilities as a credit

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1 correspondent, I think you mentioned that
2 you had a region you were responsible
3 for?
4 A. Yes.
5 Q. When you were a credit
6 analyst, were you also responsible for a
7 region?
8 A. Yes.
9 Q. But the accounts were
10 larger?
11 A. The accounts were larger
12 accounts, meaning wholesaler accounts.
13 Q. What's a wholesaler account?
14 A. A wholesaler account would
15 be, for instance, AmerisourceBergen,
16 McKesson, Cardinal, one of those.
17 Q. When you worked at Wyeth, do
18 you recall which wholesaler accounts you
19 were responsible for?
20 A. I also -- I do remember
21 being in charge of the DOD account, as
22 well as -- I was either in charge of the
23 McKesson account or I helped out on the
24 McKesson account, I don't recall which.

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1 Q. Any other wholesalers you
2 can recall?

3 A. No.

4 Q. So you didn't work with
5 AmerisourceBergen?

6 A. I did not.

7 Q. You didn't work with
8 Cardinal Health?

9 A. I don't believe so.

10 Q. How about HD Smith?

11 A. No.

12 Q. Bellco?

13 A. No.

14 Q. And just so the record is
15 clear, is it you do not recall working
16 for those wholesalers -- with those
17 wholesalers or you're telling me you did
18 not?

19 A. I don't believe I have
20 worked with those wholesalers.

21 Q. Understood. Thank you.
22 And even though you assumed
23 larger accounts, was the responsibility
24 still to work with those accounts to make

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1 sure they paid their invoices?

2 A. Paid their invoices. And if
3 there were any deductions that they took,
4 I had to help resolve those situations in
5 working with the account.

6 Q. You mentioned they took
7 deductions --

8 A. Meaning the accounts.

9 Q. So the accounts would have
10 been the wholesalers or the DOD or any of
11 the smaller accounts that you worked
12 with?

13 A. That's correct.

14 Q. What form of deductions
15 would they have been taking on their
16 invoices?

17 A. It could have been any form;
18 it could have been a 2 percent discount
19 that we offered if they paid their
20 invoice ahead of time or any other
21 reason.

22 Q. Do you know if Wyeth ever
23 offered discounts to wholesalers if the
24 volume of their purchasing from Wyeth was

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1 higher?

2 A. I don't recall that.

3 Q. Do you recall if Wyeth ever
4 offered discounts to wholesalers for
5 receiving chargeback data?

6 A. I don't recall that either.

7 Q. Do you understand that term,
8 "chargeback data"?

9 A. No, I really don't, because
10 I wasn't part of that, that area.

11 Q. Just for clarity, are you
12 telling me that at the time you worked at
13 Wyeth you would not have understood what
14 chargeback data is?

15 A. That is correct. Because I
16 believe that was a separate department
17 that I wasn't involved in.

18 Q. And then currently do you
19 have an understanding of what chargeback
20 data is?

21 A. I really do not. I don't
22 understand the full definition.

23 Q. Do you recall who you --
24 what individuals you would have worked

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1 with at McKesson when you were a credit
2 analyst?

3 A. No.

4 Q. Do you recall what
5 department you would have been working
6 with at McKesson?

7 A. I don't recall the specific
8 department.

9 Q. So eventually this credit
10 department at Wyeth was outsourced to
11 India, correct?

12 A. Correct.

13 Q. And your recollection was
14 that was approximately 2006 or 2007?

15 A. That was 2007.

16 Q. When did you apply -- or do
17 you recall when you applied for the
18 position at AmerisourceBergen?

19 A. I don't recall exactly when
20 I applied, but I know the day that I had
21 the interview for AmerisourceBergen.

22 Q. You recall the date when you
23 had the interview?

24 A. It was literally three days

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1 after I was let go from Wyeth
 2 Pharmaceuticals.
 3 Q. What day was that?
 4 A. That was -- I believe that
 5 was March 30th of 2007.
 6 Q. And is that the day you were
 7 let go or the date of the interview?
 8 A. That was the date I was let
 9 go, the whole department was let go.
 10 Q. And so you would have
 11 interviewed approximately three days
 12 later?
 13 A. Yes.
 14 Q. And do you recall who you
 15 met with when you interviewed?
 16 A. Yes. His name was Harry
 17 Chamberlain.
 18 Q. Do you recall his job
 19 position?
 20 A. I don't know -- I don't
 21 remember his exact title, but he was the
 22 director of, maybe, collections.
 23 Q. Would he have been the
 24 person to whom you reported in the

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1 collections department when you worked at
 2 Amerisource?
 3 A. Initially, yes.
 4 Q. Did you report to somebody
 5 else when you were a collections
 6 associate at Amerisource?
 7 A. I did.
 8 Q. Who was that?
 9 A. Her name was Ann Marie
 10 Duran.
 11 Q. Do you recall her job
 12 position?
 13 A. Similar to Harry's.
 14 Q. Essentially, a director of
 15 that collections department?
 16 A. Yes.
 17 Q. When we went through your
 18 employment history at AmerisourceBergen,
 19 I think you said your best recollection
 20 was that your title in that collections
 21 department was a collections associate?
 22 A. In credit collections, it
 23 was initially credit correspondent and
 24 then a credit analyst.

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1 Q. At AmerisourceBergen?
 2 A. Oh, I'm sorry. I was going
 3 back to Wyeth.
 4 At AmerisourceBergen, I
 5 believe it was collections associate,
 6 yes.
 7 Q. And was that in the
 8 collections department --
 9 A. Yes.
 10 Q. -- or did it have a
 11 different name?
 12 A. I don't recall it had a
 13 different name.
 14 Q. And how long were you a
 15 collections associate in the collections
 16 department?
 17 A. Approximately a year
 18 and-a-half.
 19 Q. And what were your job
 20 responsibilities?
 21 A. I was in charge of the
 22 similar duties that I had at Wyeth
 23 Pharmaceuticals, ensuring customers were
 24 paying their invoices on time.

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1 Q. Anything else?
 2 A. Running statements for
 3 customers, monthly statements.
 4 Q. What does that mean?
 5 A. I believe it was the 1st of
 6 the month, we would run statements of, I
 7 believe, it was customers' purchases.
 8 Q. What was the purpose of
 9 running statements of purchases for
 10 customers?
 11 A. Those customers would
 12 request statements from us on a monthly
 13 basis.
 14 Q. Do you recall why they would
 15 request those statements?
 16 A. I do not.
 17 Q. In your work as a
 18 collections associate, did you ever, as
 19 part of your responsibilities, have to
 20 review order forms from
 21 AmerisourceBergen's customers?
 22 A. I do not recall.
 23 But going back to Wyeth
 24 Pharmaceuticals, I did review customer

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1 orders for customers.
 2 Q. In what role at Wyeth were
 3 you reviewing invoices from -- or
 4 purchase orders from customers?
 5 A. It was based on their credit
 6 standing with us.
 7 Q. What position did you hold
 8 at Wyeth when you were reviewing the
 9 order forms from customers?
 10 A. It was the credit analyst
 11 role.
 12 Q. And you said "it was based
 13 on their credit standing with us."
 14 What does that mean?
 15 A. I don't fully recollect the
 16 details of that, but it was based on
 17 their payment history with Wyeth
 18 Pharmaceuticals.
 19 Q. So the purpose for you
 20 looking at an order form from a customer
 21 would be to analyze their payment history
 22 and credit standing with Wyeth?
 23 A. Correct.
 24 Q. So not to look at what they

Page 59

1 were ordering; is that right?
 2 A. I do remember looking at
 3 what they were ordering. But, again, it
 4 was based on their credit history.
 5 Q. And do you recall looking at
 6 any customer order forms when you worked
 7 as a collections associate at
 8 AmerisourceBergen?
 9 A. I do not remember.
 10 Q. When you were a collections
 11 associate at AmerisourceBergen, did you
 12 have an understanding of what diversion
 13 was?
 14 A. At that time, no.
 15 Q. And at that time, when you
 16 were a collections associate at
 17 AmerisourceBergen, did you have an
 18 understanding of what a suspicious order
 19 is, or was?
 20 A. No.
 21 Q. When you were a collections
 22 associate at AmerisourceBergen, did you
 23 ever receive any training about security
 24 around controlled substances?

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1 A. For which role? For which
 2 position?
 3 Q. When you were a collection
 4 associate at AmerisourceBergen.
 5 A. No.
 6 Q. Did you receive any training
 7 about diversion?
 8 A. No.
 9 Q. Did you receive any training
 10 about suspicious orders?
 11 A. No.
 12 Q. Did you have any
 13 responsibility for monitoring for
 14 diversion when you were a collections
 15 associate?
 16 A. No.
 17 Q. Did you have any
 18 responsibility for identifying suspicious
 19 orders when you were a collections
 20 associate?
 21 A. No.
 22 Q. Just to make sure I
 23 understand, no training and no
 24 responsibility, correct?

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1 A. For that role, yes, correct.
 2 Q. So after working at
 3 AmerisourceBergen as a collections
 4 associate for approximately a year
 5 and-a-half to two years, you moved into
 6 the position of a diversion control
 7 specialist?
 8 A. Correct.
 9 Q. Do you recall what prompted
 10 that change in your employment?
 11 A. Just like other roles that I
 12 have had over my career, just looking to
 13 further my knowledge in a different job
 14 position.
 15 Q. Did you apply for that
 16 position?
 17 A. I did.
 18 Q. What was the application
 19 process like?
 20 A. It was filling out an
 21 application form online.
 22 Q. When you say "online," do
 23 you mean on the Internet?
 24 A. Inner-company web.

<p style="text-align: right;">Page 62</p> <p>1 Q. So like an AmerisourceBergen 2 intranet?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall what the 5 application was like?</p> <p>6 A. I do not.</p> <p>7 Q. Do you recall any 8 qualifications that AmerisourceBergen 9 wanted applicants to have for that 10 position?</p> <p>11 A. I don't recall.</p> <p>12 Q. Do you recall if there were 13 any educational requirements?</p> <p>14 A. I do not.</p> <p>15 Q. Do you recall if there were 16 any experience requirements?</p> <p>17 A. I do not recall.</p> <p>18 Q. Was there an interview 19 process for the diversion control 20 specialist position?</p> <p>21 A. There was.</p> <p>22 Q. What was the interview 23 process like?</p> <p>24 A. It was meeting with Ed</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Do you understand why you 2 were meeting with Chris Zimmerman?</p> <p>3 A. Yes.</p> <p>4 Q. Why was that?</p> <p>5 A. My understanding is that Ed 6 wanted a second opinion, so he asked 7 Chris Zimmerman to also interview me.</p> <p>8 Q. Do you know if 9 AmerisourceBergen posted this diversion 10 control specialist job outside of 11 AmerisourceBergen?</p> <p>12 A. I do not know.</p> <p>13 Q. Did you -- did you, at any 14 time after you interviewed for that 15 position, learn whether AmerisourceBergen 16 was hiring people from outside of the 17 company?</p> <p>18 A. I do not recall.</p> <p>19 Q. During the interviews with 20 Ed -- or the interview with Ed, did they 21 ask you about your educational 22 background?</p> <p>23 A. He may have, but I don't 24 remember.</p>
<p style="text-align: right;">Page 63</p> <p>1 Hazewski.</p> <p>2 Q. Anybody else?</p> <p>3 A. And I also met with Chris 4 Zimmerman.</p> <p>5 Q. Did you meet with Ed and 6 Chris together or separately?</p> <p>7 A. Separately.</p> <p>8 Q. Were those meetings on the 9 same day or subsequent days?</p> <p>10 A. Same day.</p> <p>11 Q. Were there any other 12 interviews besides with Ed and Chris?</p> <p>13 A. I don't believe so, no.</p> <p>14 Q. Do you recall, at the time, 15 what Ed Hazewski's position was?</p> <p>16 A. I believe it was diversion 17 control manager.</p> <p>18 Q. Do you have -- did you have 19 an understanding, at the time, of why you 20 were meeting with Ed for that position?</p> <p>21 A. To apply for the position.</p> <p>22 Q. Was he going to be your 23 direct supervisor in that position?</p> <p>24 A. He would be.</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Do you recall if it was a 2 concern that you did not have more than 3 an Associate's Degree?</p> <p>4 A. I do have more than an 5 Associate's Degree.</p> <p>6 Q. Sorry. Please forgive me. 7 Can you -- let's back up 8 right there, and you can tell me, what 9 further education have you received after 10 the Associate's Degree?</p> <p>11 A. I completed my Bachelor's 12 Degree in 2006.</p> <p>13 Q. So you completed your 14 Bachelor's Degree before applying for the 15 diversion control job?</p> <p>16 A. Yes.</p> <p>17 Q. And what is your Bachelor's 18 Degree in?</p> <p>19 A. Management.</p> <p>20 Q. Any particular kind of 21 management?</p> <p>22 A. No. It was management.</p> <p>23 Q. And where did you complete 24 your Bachelor's Degree?</p>

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1 A. University of Phoenix. And
2 I also took one class towards my
3 Master's.
4 Q. What was that class?
5 A. That, I don't remember.
6 Q. Do you recall what
7 institution you took it through?
8 A. University of Phoenix.
9 Q. What were you intending to
10 get a Master's in?
11 A. Business.
12 Q. Would that have been like a
13 Master's in business administration or
14 business management?
15 A. Something like that, yes.
16 Q. Is there any particular
17 reason why you didn't complete your
18 Master's?
19 A. No particular reason.
20 Q. Going back to the interview
21 with Mr. Hazewski, did he ever ask you
22 questions about your experience with
23 controlled substances?
24 A. I don't recall that

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1 question.
2 Q. Did he ask you any questions
3 about your experience with diversion or
4 monitoring for diversion?
5 A. I don't recall.
6 Q. Do you recall if Mr.
7 Hazewski asked you any questions about
8 your experience with suspicious orders or
9 monitoring for suspicious orders?
10 A. No. But we did discuss the
11 nature of the position.
12 Q. What was that discussion
13 like?
14 A. It was just he was telling
15 me about the role of the position that
16 I'm applying for.
17 Q. What did he tell you about
18 the role?
19 A. That I would be reviewing
20 orders of interest.
21 Q. Did he use the word "order
22 of interest" or did he use the word
23 "suspicious orders"?
24 A. I don't recall.

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1 Q. Do you recall if he may have
2 used the word "excessive purchase
3 orders"?
4 A. That, I don't remember.
5 Q. The word "order of
6 interest," do you recall him using that
7 word, or is that a word you're using
8 today --
9 A. That's --
10 Q. -- to describe --
11 A. Sorry.
12 Q. Is that a word you're using
13 today to describe the subject you
14 discussed back then?
15 A. Yes.
16 Q. But it's not the words that
17 he would have used back then?
18 MR. NICHOLAS: Object to
19 form.
20 Go ahead.
21 THE WITNESS: Possibly.
22 BY MR. CLUFF:
23 Q. Was there anything else that
24 he told you about the role of diversion

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1 control specialist?
2 A. I do recall talking about
3 spreadsheets.
4 Q. What about spreadsheets?
5 A. Just my knowledge of working
6 with Excel.
7 Q. Did you have a working
8 knowledge of Excel?
9 A. I had a basic understanding.
10 Q. What did he tell you about
11 working with spreadsheets in this new
12 role as a diversion control specialist?
13 A. I don't recall the details.
14 Q. But he told you you would
15 essentially need to work with Excel
16 spreadsheets?
17 A. Right.
18 Q. We discussed your work at
19 Wyeth in pretty substantial detail, and I
20 think we agreed that you did not have any
21 experience or training at Wyeth about
22 diversion or suspicious order monitoring;
23 is that right?
24 A. Correct.

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1 Q. Did that topic come up
2 during your interview with Mr. Hazewski?
3 A. My recollection is that I
4 did inform him that I did review orders
5 when I was a credit analyst at Wyeth.
6 Q. When you were at Wyeth and
7 you reviewed orders, it was to make sure
8 that Wyeth was getting paid, correct?
9 A. When I was reviewing orders,
10 those -- the decision-making was based on
11 their credit risk with the company.
12 Q. So what was the purpose of
13 the review of the orders at Wyeth?
14 A. My understanding is that it
15 was to review those orders; if the
16 credit -- if the customer had a bad
17 credit history with Wyeth
18 Pharmaceuticals, that those orders would
19 not be released. That's my recollection.
20 Q. So when you reviewed orders
21 at Wyeth, you were not reviewing them to
22 determine whether or not they were
23 suspicious?
24 A. I believe so.

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1 Q. But that is the role you
2 were going to take on at
3 AmerisourceBergen as a diversion control
4 specialist, correct?
5 A. Correct.
6 Q. Did Mr. Hazewski express any
7 concern that you did not have any
8 experience reviewing orders to determine
9 whether or not they were suspicious?
10 A. I don't recall.
11 Q. Do you recall if Mr.
12 Hazewski was looking for somebody with
13 experience in reviewing orders for -- to
14 determine whether or not they were
15 suspicious?
16 A. He didn't inform me, no.
17 Q. Do you know why
18 AmerisourceBergen was hiring additional
19 diversion control specialists at that
20 time in 2007?
21 A. I don't know the specific
22 reasons.
23 Q. I said 2007, that was
24 incorrect.

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1 I think you applied for that
2 position in 2009, correct?
3 A. Correct.
4 Q. I'll just re-ask the
5 question so it's clear.
6 Did you have an
7 understanding of why AmerisourceBergen
8 was hiring more division -- diversion
9 control specialists in 2009?
10 A. I don't recall.
11 Q. When you met with Mr.
12 Zimmerman, do you recall what kind of
13 questions he asked you?
14 A. No.
15 Q. Did you talk about your
16 education?
17 A. I don't recall the substance
18 that we --
19 Q. Do you recall --
20 A. -- the subjects we talked
21 about.
22 Q. Do you recall if you talked
23 with Mr. Zimmerman about your experience
24 monitoring for suspicious orders?

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1 A. I don't recall.
2 Q. Do you recall if he had any
3 concern that you did not have any prior
4 experience monitoring for suspicious
5 orders?
6 A. No, I do not.
7 Q. What happened after you met
8 with Mr. Hazewski and Mr. Zimmerman?
9 A. I believe within
10 approximately a week I was informed by
11 human resources that I was being offered
12 the position.
13 Q. So it was a one-day
14 interview process, and then you were
15 hired a week later?
16 A. Yes.
17 Q. Do you recall how long after
18 you were informed by HR that you assumed
19 your new responsibilities as a diversion
20 control specialist?
21 A. I believe it was two weeks.
22 Q. Did you receive any training
23 before you started your new job?
24 A. I trained when I started my

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1 new job.
 2 Q. What happened in the two
 3 weeks between when HR let you know you
 4 were getting the job and you started the
 5 job?
 6 A. I had to put in my two
 7 weeks' notice with my position.
 8 Q. And then you essentially
 9 just wrapped up that position and started
 10 the new one?
 11 A. Yes.
 12 Q. And you said you trained on
 13 the job, correct?
 14 A. Yes.
 15 Q. What was that training like?
 16 A. The training was going over
 17 customer orders with Ed.
 18 Q. Did you ever, like, receive
 19 any written materials or policies and
 20 procedures or PowerPoints?
 21 A. I'm sure there were, but I
 22 just don't -- just don't recall at the
 23 moment.
 24 Q. What you do recall is sort

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1 of hands-on training directly with Ed
 2 Hazewski?
 3 A. That is correct.
 4 Q. And you said you recall
 5 looking at customer orders.
 6 How would you have done
 7 that?
 8 A. I would look at those orders
 9 individually through the system that we
 10 were using.
 11 Q. So that we can kind of
 12 understand what the training process was
 13 like, I'd like to back up and understand
 14 what the order process was like from your
 15 viewpoint.
 16 So AmerisourceBergen has
 17 customers, correct?
 18 A. Yes.
 19 Q. And there's some way that
 20 they place orders with AmerisourceBergen?
 21 A. Yes.
 22 Q. What was your understanding,
 23 in 2009, as a diversion control
 24 specialist, of how customers placed

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1 orders with AmerisourceBergen?
 2 A. My understanding at the time
 3 is that the customers would place orders
 4 through -- I believe it was CSOS and 222
 5 forms.
 6 Q. What is CSOS?
 7 A. CSOS is controlled substance
 8 ordering system.
 9 Q. And what's a 222 form?
 10 A. A 222 form is a DEA form
 11 that has the customer's name, DEA
 12 license, as well as the items that
 13 they're ordering.
 14 Q. Is the CSOS system just an
 15 electronic form of the 222 form?
 16 A. It is.
 17 Q. So it has all the same
 18 information that a 222 form would have?
 19 A. My understanding is that
 20 yes, that is correct.
 21 Q. And is it your recollection
 22 that in 2009 the CSOS system was already
 23 operational?
 24 A. I don't recall.

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1 Q. But at some time it did
 2 become --
 3 A. Yes.
 4 Q. When you were training on
 5 the job with Ed Hazewski, do you recall
 6 if you looked at 222 forms?
 7 A. We did not. The 222 forms
 8 go through the distribution centers.
 9 Q. So a customer would fill out
 10 a 222 form and send it to the
 11 distribution center?
 12 A. Yes.
 13 Q. And then how would -- how
 14 would the order come to you and Ed
 15 Hazewski for review?
 16 A. I don't recall the actual
 17 steps.
 18 Q. So, then, what were you
 19 reviewing when you were working with Ed
 20 Hazewski to start your training for this
 21 new job?
 22 A. It was all the customer
 23 orders that were currently in the system
 24 to be reviewed.

<p style="text-align: right;">Page 78</p> <p>1 Q. Do you recall if you were 2 looking at them in an Excel spreadsheet, 3 or some other form? 4 A. No, I don't recall. 5 Q. What were you looking for, 6 or what was Ed Hazewski showing you to 7 look for when you were training? 8 A. My recollection is that we 9 were looking at the product that they 10 were ordering, as well as the quantity 11 that they were ordering. 12 Q. And what were you trying to 13 determine when you were looking at the 14 product and the quantity? 15 A. To see if they were ordering 16 within their current purchase history. 17 Q. When you were training with 18 Ed, did he ever explain the concept of 19 diversion to you? 20 A. Yes. 21 Q. What did he explain? 22 A. It was where the -- any 23 pharmaceutical products being diverted to 24 another individual for illicit purposes.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Was it your role to help 2 AmerisourceBergen prevent diversion? 3 MR. NICHOLAS: Object to 4 form. 5 THE WITNESS: Can you ask 6 that question again? 7 BY MR. CLUFF: 8 Q. Sure. I'll ask it two 9 different ways. 10 When you became a diversion 11 control specialist, did you understand 12 that your job was to help 13 AmerisourceBergen prevent diversion? 14 A. No. 15 Q. AmerisourceBergen doesn't 16 want to prevent diversion? 17 MR. NICHOLAS: Object to the 18 form. 19 THE WITNESS: I didn't say 20 that. 21 BY MR. CLUFF: 22 Q. I'm asking. 23 A. We have a system in place 24 that detects orders of interest, and</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. You used the word "diverted" 2 to help define diversion, and I'm okay 3 with that. 4 But I'm just trying to 5 understand, like, what does diversion 6 mean? Does that mean it's going out of 7 the regular supply chain? 8 A. Supply chain, yes. 9 Q. Did Ed tell you why the word 10 "diversion" mattered in your diversion 11 specialist role? 12 A. He may have, but I just 13 don't recall. 14 Q. What was your understanding 15 of why diversion was important in your -- 16 in your role? 17 A. My understanding, at the 18 time, was that pharmacies who were 19 ordering -- licensed pharmacies that are 20 ordering products are receiving those 21 products and not sending them to any 22 other individual for illicit purposes; 23 that they are only supposed to go to the 24 patient who has the prescription.</p>	<p style="text-align: right;">Page 81</p> <p>1 those orders of interest are reviewed 2 based on the current systems that we have 3 in place. 4 Q. When you started as a 5 diversion control specialist, did anybody 6 discuss the Controlled Substances Act 7 with you? 8 A. I don't recall. 9 Q. Would anybody have discussed 10 the regulations that AmerisourceBergen 11 obtains -- scratch that. 12 Did anybody discuss 13 regulations that AmerisourceBergen has to 14 comply with in relation to wholesale 15 distribution? 16 A. Yes. 17 Q. What did they tell you about 18 those regulations? 19 A. It was a DEA 21 CFR FDA 20 regulation. 21 Q. And that was explained to 22 you when you started training for a 23 diversion control specialist job? 24 A. Yes.</p>

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1 Q. What did they explain to you
2 about 21 CFR regulations?
3 A. Well, they showed me the
4 regulation.
5 Q. Which ones?
6 A. It was the 21 CFR. I don't
7 recall the exact number.
8 Q. What did they tell you about
9 those regulations?
10 A. It was regarding that
11 suppliers have to have an order
12 monitoring system in place that detects
13 orders of unusual quantities, frequencies
14 and pattern.
15 Q. Did they explain to you what
16 a suspicious order was when you started
17 as a diversion control specialist?
18 A. I don't recall.
19 Q. In your time working for
20 AmerisourceBergen, has anybody explained
21 to you what a suspicious order is?
22 A. Yes.
23 Q. What is it?
24 A. A suspicious order is

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1 initially an order of interest, but after
2 investigation, it is then determined
3 whether that order is suspicious or not.
4 If it is suspicious, that
5 order is rejected and reported to the
6 DEA.
7 Q. Is that your understanding
8 of a suspicious order today? Let me make
9 my question a little more clear.
10 Do you know whether this DEA
11 21 CFR regulation defines a suspicious
12 order?
13 A. Yes.
14 Q. Do you know what the
15 regulations define a suspicious order to
16 be?
17 MR. NICHOLAS: Object to the
18 form.
19 THE WITNESS: I did state
20 that earlier.
21 BY MR. CLUFF:
22 Q. What is the definition of a
23 suspicious order in the CFR?
24 MR. NICHOLAS: Same

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1 objection.
2 Go ahead.
3 THE WITNESS: That is a
4 wholesaler needs to have a system
5 in place that monitors orders of
6 unusual size, frequency and
7 pattern.
8 BY MR. CLUFF:
9 Q. So would you agree with me,
10 then, that the CFR defines a suspicious
11 order as one of unusual size, frequency
12 and pattern?
13 MR. NICHOLAS: Object to the
14 form.
15 THE WITNESS: To an extent,
16 yes, from what I recollect.
17 BY MR. CLUFF:
18 Q. How does AmerisourceBergen
19 define an order of interest?
20 MR. NICHOLAS: Object to the
21 form. He's not --
22 BY MR. CLUFF:
23 Q. Based on your --
24 MR. NICHOLAS: He's not

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1 here --
2 MR. CLUFF: I'm sorry, Bob,
3 I didn't mean to talk over your
4 objection.
5 MR. NICHOLAS: I was going
6 to say, object to the form. This
7 is not a 30(b)(6) deposition.
8 Go ahead.
9 BY MR. CLUFF:
10 Q. You've worked with
11 AmerisourceBergen for a number of years,
12 correct?
13 A. Yes.
14 Q. And you were responsible --
15 well, your position was a diversion
16 control specialist?
17 A. Yes.
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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21 BY MR. CLUFF:
22 Q. And we discussed earlier
23 that the Code of Federal Regulations
24 defines suspicious orders as orders of

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- ¹ unusual size, frequency and pattern,
- ² correct?

3 MR. NICHOLAS: Object to the
4 form.

5 THE WITNESS: Yes.

6 BY MR. CLUFF:

Category	Value
1	10
2	100
3	85
4	100
5	75
6	100
7	100
8	10
9	80
10	45
11	10
12	85
13	95
14	90
15	60
16	10
17	100
18	80

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Row	Bar Length (approx. %)
1	85
2	55
3	95
4	25
5	90
6	92
7	70
8	40
9	10
10	88
11	94
12	45
13	82
14	42
15	96

17 BY MR. CLUFF:

18 Q. And that's the same way that
19 the Code of Federal Regulations defines a
20 suspicious order, right?

21 MR. NICHOLAS: Object to the
22 form.

23 THE WITNESS: It's not
24 necessarily a suspicious order,

■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]

7 Q. Do you recall ever being
8 trained about what an order of interest
9 is?

10 A. Yes.

11 Q. Do you recall when that was?

12 A. I do not recall the year.

13 Q. If you were to estimate,
14 would you say it was before or after you
15 worked at Teva?

16 A. I don't recall.

17 Q. When you were training with
18 Ed Hazewski after you started this
19 position, was he training you about
20 suspicious orders?

21 A. He was training me on order
22 review.

[REDACTED]
 [REDACTED]

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1 it's an order of interest.
2 BY MR. CLUFF:
3 Q. Does the word "order of
4 interest" appear anywhere in the Code of
5 Federal Regulations that you're aware of?

6 MR. NICHOLAS: Well, object
7 to form. He's not a lawyer. He
8 hasn't read the entire --

9 THE WITNESS: No.

10 MR. NICHOLAS: -- statute.

11 But go ahead.

12 BY MR. CLUFF:

[illegible]

■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]

6 Q. So essentially the same
7 definition of a suspicious order that we
8 talked about in the Code of Federal
9 Regulations?

10 MR. NICHOLAS: Object to the
11 form.

12 Go ahead.

13 THE WITNESS: Just orders of
14 unusual size, quantity and
15 frequency, yes.

16 BY MR. CLUFF:

Age Group	Percentage
18-24	10%
25-34	90%
35-44	95%
45-54	30%
55-64	80%
65+	10%
65+	10%
65+	90%
65+	10%
65+	95%

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 A. Yes.
18 Q. Why were you reviewing
19 orders to determine whether they were
20 suspicious?
21 A. That was part of the
22 training that Ed indicated to me.
23 Q. Is there any other reason?
24 A. And also it's part of the

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1 DEA regulation.
2 Q. Did Mr. Hazewski explain,
3 during your training, that wholesalers
4 like AmerisourceBergen have a regulatory
5 requirement that they maintain a system
6 to prevent diversion?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: Could you ask
10 that question again, please?
11 BY MR. CLUFF:
12 Q. Sure.
13 While you were training for
14 this new position as a diversion control
15 specialist, did Mr. Hazewski explain to
16 you that wholesalers like
17 AmerisourceBergen have a regulatory
18 requirement to maintain a system to
19 prevent diversion?
20 MR. NICHOLAS: Object to the
21 form.
22 THE WITNESS: No.
23 BY MR. CLUFF:
24 Q. Has Mr. Hazewski ever

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1 explained to you that AmerisourceBergen
2 has a regulatory obligation to maintain a
3 system to prevent diversion?
4 MR. NICHOLAS: Same
5 objection.
6 THE WITNESS: He indicated
7 to me that we need to have a
8 system in place that monitors
9 orders of unusual size, pattern
10 and frequency.
11 BY MR. CLUFF:
12 Q. Did he ever tell you why?
13 A. I'm sure he has, but I don't
14 recall the discussion.
15 MR. NICHOLAS: Sterling, I
16 don't want to break your flow
17 here, but it's been an hour
18 and-a-half.
19 MR. CLUFF: I was looking at
20 that. I just have a couple more,
21 and then we'll break.
22 BY MR. CLUFF:
23 Q. In your work as a diversion
24 control specialist over the years, did

Page 97

1 you ever form an understanding of why
2 AmerisourceBergen is required to maintain
3 a system to monitor orders of unusual
4 size, pattern and frequency?
5 A. Yes.
6 Q. And what is that?
7 A. Because it's part of the DEA
8 requirement that we have a system in
9 place.
10 Q. A system in place to do
11 what?
12 A. To monitor customer orders.
13 Q. Have you ever formed an
14 understanding that AmerisourceBergen has
15 a regulatory requirement to maintain a
16 system to prevent diversion?
17 MR. NICHOLAS: Object to the
18 form.
19 THE WITNESS: I'm not aware
20 of that.
21 MR. CLUFF: Let's go ahead
22 and take a break.
23 VIDEO TECHNICIAN: We're off
24 the record at 10:56 a.m.

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1 - - -
2 (Whereupon, a brief recess
3 was taken.)
4 - - -
5 VIDEO TECHNICIAN: We're
6 back on the record at 11:11 a.m.
7 BY MR. CLUFF:
8 Q. All right. Mr. Kreutzer,
9 we're back on the record, so we'll
10 continue your deposition.
11 You understand that you're
12 still under oath?
13 A. Yes.
14 Q. When we broke we were, I
15 believe, talking about training for the
16 position you took on as a diversion
17 control specialist at AmerisourceBergen.
18 Do you recall that?
19 A. Yes.
20 Q. Do you recall how long you
21 and Mr. Hazewski trained together for
22 before you started operating without
23 supervision?
24 A. I do not, no.

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1 Q. If you were to estimate,
2 would you say it was less than a month?
3 A. I do not know.
4 Q. Was it less than two weeks?
5 A. I don't recall.
6 Q. Just so we're clear, you
7 have absolutely no recollection of how
8 long you were trained for?
9 A. Not specific time frame, no.
10 Q. Did you train with anybody
11 else aside from Mr. Hazewski?
12 A. I did. I trained with Scott
13 Kirsh.
14 Q. Who is Scott Kirsh?
15 A. Scott Kirsh was -- I believe
16 he also reported to Ed Hazewski at one
17 time, prior to me coming on board.
18 Q. Do you recall what his job
19 title was?
20 A. I believe his -- I believe
21 he was working for Bruce Gundi. But he
22 was filling in with Ed to also help me
23 train for the position. So he had a dual
24 role at one point.

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1 Q. What was the dual role?
2 A. So he would help me review
3 orders throughout the day and also he had
4 his other job to do, reporting to Bruce
5 Gundi. That's my recollection.
6 Q. What work was he doing when
7 he reported to Bruce Gundi, did you know?
8 A. It was investigations not
9 related to order monitoring.
10 Q. We were talking about some
11 of the substantive training that you
12 received, and you mentioned reading the
13 Code of Federal Regulations.
14 I believe you referred to it
15 as DEA 21 CFR; is that right?
16 A. Yes.
17 Q. As part of your training,
18 did you ever read 21 USC Section 823?
19 A. I don't recall.
20 Q. In your work as a diversion
21 control specialist with
22 AmerisourceBergen, have you ever read 21
23 USC 823?
24 A. I don't recall the specific

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1 regulation number.
2 Q. How about when you worked
3 for Teva Pharmaceuticals, did you ever
4 read 21 USC 823?
5 A. I don't -- I don't remember
6 the specific regulation number.
7 Q. Have you ever reviewed the
8 regulation or statute that governs
9 registration to manufacture or distribute
10 controlled substances?
11 A. I don't recall.
12 Q. Do you know if there is a
13 regulation or statute that governs
14 registrations to manufacture or
15 distribute controlled substances?
16 A. I don't recall.
17 Q. Do you not recall today
18 whether or not there is a regulation, or
19 is it that you never knew when you worked
20 at Teva or ABC -- excuse me,
21 AmerisourceBergen, if there was a statute
22 or regulation that governs registrations?
23 MR. NICHOLAS: Object to the
24 form.

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1 THE WITNESS: I'm sure there
 2 is, I just don't recall at the
 3 moment.
 4 BY MR. CLUFF:
 5 Q. Is that something you would
 6 have been familiar with at some earlier
 7 point in time?
 8 MR. NICHOLAS: Same
 9 objection.
 10 THE WITNESS: I just don't
 11 recall.
 12 BY MR. CLUFF:
 13 Q. Are you aware that
 14 AmerisourceBergen is required to maintain
 15 a registration to distribute controlled
 16 substances?
 17 A. Yes.
 18 Q. Do you know who issues that
 19 registration?
 20 A. The DEA.
 21 Q. Are you aware that
 22 manufacturers, like Teva, are required to
 23 maintain a registration to manufacture
 24 controlled substances?

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1 A. I'm not sure.
 2 Q. When you worked at Teva, did
 3 anybody discuss maintaining registration
 4 to manufacture controlled substances?
 5 A. I don't believe so.
 6 Q. You never received any
 7 training on Teva's registration to
 8 manufacture controlled substances?
 9 A. I don't recall.
 10 Q. Going back to
 11 AmerisourceBergen's registration to
 12 distribute controlled substances, are you
 13 aware of any of the requirements to
 14 maintain -- to obtain a registration to
 15 distribute controlled substances?
 16 MR. NICHOLAS: Object to the
 17 form.
 18 THE WITNESS: I don't
 19 recall.
 20 BY MR. CLUFF:
 21 Q. Your job position at
 22 AmerisourceBergen, for the majority of
 23 your time there, was diversion control
 24 specialist, correct?

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1 A. Correct.
 2 Q. Are you aware, through your
 3 work as a diversion control specialist,
 4 whether maintaining effective controls
 5 against diversion is a requirement in
 6 obtaining a registration to distribute
 7 controlled substances?
 8 MR. NICHOLAS: Object to the
 9 form.
 10 THE WITNESS: I don't
 11 recollect.
 12 BY MR. CLUFF:
 13 Q. Have you ever received any
 14 training about the maintenance of
 15 effective controls against diversion,
 16 while you've been employed by
 17 AmerisourceBergen?
 18 A. I don't recall.
 19 Q. When you worked at Teva
 20 under Colleen McGinn, did you ever
 21 receive any training about the
 22 maintenance of effective controls against
 23 diversion?
 24 A. I don't recall.

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1 Q. Do you recall if
 2 AmerisourceBergen conducted training
 3 about the maintenance of effective
 4 controls against diversion?
 5 A. I don't recall.
 6 Q. Is it possible, then, that
 7 AmerisourceBergen did not provide
 8 training about the maintenance of
 9 effective controls against diversion?
 10 MR. NICHOLAS: Object to the
 11 form.
 12 THE WITNESS: I just don't
 13 recall.
 14 BY MR. CLUFF:
 15 Q. How about at Teva, do you
 16 recall if Teva ever offered training
 17 about the maintenance of effective
 18 controls against diversion?
 19 A. I don't recall.
 20 MR. MAIER: Object to form.
 21 BY MR. CLUFF:
 22 Q. Do you know if
 23 AmerisourceBergen maintains effective
 24 controls against diversion?

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1 MR. NICHOLAS: Object to the
 2 form.
 3 Go ahead.
 4 THE WITNESS: I'm assuming
 5 yes, we do.
 6 BY MR. CLUFF:
 7 Q. What is your assumption
 8 based on?
 9 A. That we have a system in
 10 place that identifies orders of interest.
 11 Q. Earlier I asked you if you
 12 had ever received any training about the
 13 maintenance of effective controls against
 14 diversion, and you said you don't recall
 15 receiving any training; is that right?
 16 MR. NICHOLAS: Object to the
 17 form.
 18 THE WITNESS: Can you
 19 rephrase the question?
 20 BY MR. CLUFF:
 21 Q. I'll re-ask the question,
 22 but I'm not going to rephrase it.
 23 We discussed earlier
 24 training about the maintenance of

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1 effective controls against diversion
 2 while you worked at AmerisourceBergen.
 3 And you said that you do not
 4 recall receiving any training; is that
 5 correct?
 6 MR. NICHOLAS: Object to the
 7 form. And I'll object to the
 8 refusal to rephrase the question
 9 at the witness's request.
 10 Go ahead.
 11 THE WITNESS: We have a
 12 system in place that identifies
 13 orders of interest for unusual
 14 size, frequency and pattern.
 15 BY MR. CLUFF:
 16 Q. I appreciate that answer.
 17 That's not -- that's not the question I
 18 was asking, so let me try and get back to
 19 the question I was asking.
 20 Do you recall that we
 21 previously discussed whether or not you,
 22 at AmerisourceBergen, received training
 23 about the maintenance of effective
 24 controls against diversion?

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1 MR. NICHOLAS: Object to the
 2 form.
 3 BY MR. CLUFF:
 4 Q. Do you recall that?
 5 MR. NICHOLAS: Object to the
 6 form.
 7 THE WITNESS: I don't
 8 recall.
 9 BY MR. CLUFF:
 10 Q. You don't recall receiving
 11 training, or you don't recall the
 12 question?
 13 MR. NICHOLAS: I think the
 14 question is confusing. I will
 15 object to the form, to the series
 16 of questions that's confusing.
 17 THE WITNESS: I don't
 18 recall.
 19 BY MR. CLUFF:
 20 Q. Do you recall receiving
 21 training at AmerisourceBergen regarding
 22 the maintenance of effective controls
 23 against diversion?
 24 MR. NICHOLAS: Same

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1 objection.
 2 THE WITNESS: Yes.
 3 BY MR. CLUFF:
 4 Q. You do recall receiving
 5 training? What training --
 6 A. I recall receiving training
 7 that identifies orders of interest.
 8 Q. When do you recall receiving
 9 training about orders of interest?
 10 A. Throughout my career at
 11 AmerisourceBergen.
 12 Q. When did the words "orders
 13 of interest" start getting used at
 14 AmerisourceBergen?
 15 A. I don't recall that.
 16 Q. Is it your recollection that
 17 in 2009, when you became a diversion
 18 control specialist, Mr. Hazewski trained
 19 you about identifying orders of interest?
 20 A. I don't remember.
 21 Q. Do you recall Mr. Hazewski
 22 using the words "orders of interest" in
 23 2009 when he trained you?
 24 A. No, I do not.

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1 Q. Do you recall him using the
 2 words "suspicious orders"?
 3 A. No, I do not.
 4 Q. Do you recall him using the
 5 words "excessive orders"?
 6 A. No.
 7 Q. What did he tell you you
 8 were looking for in the orders you
 9 reviewed when he was training you?
 10 MR. NICHOLAS: Object to the
 11 form.
 12 THE WITNESS: Orders of
 13 unusual size, quantity and
 14 frequency.
 15 BY MR. CLUFF:
 16 Q. And we discussed earlier
 17 that that is the definition of a
 18 suspicious order in the Code of Federal
 19 Regulations, right?
 20 MR. NICHOLAS: Object to the
 21 form.
 22 Go ahead.
 23 THE WITNESS: I didn't say
 24 that. I said we have a system in

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1 place that identifies orders of
 2 unusual -- of unusual size,
 3 quantity and frequency.
 4 BY MR. CLUFF:
 5 Q. Do you recall what the
 6 definition of a suspicious order is in
 7 the Code of Federal Regulations?
 8 A. Yes.
 9 Q. What is it?
 10 A. It's what I just stated.
 11 Q. Orders of unusual size,
 12 quantity and frequency?
 13 A. Yes. Pattern.
 14 Q. And that's what Mr. Hazewski
 15 was training you to look for?
 16 A. He was training me to
 17 identify orders of interest that need to
 18 be reviewed individually to determine if
 19 the order is suspicious or not.
 20 Q. So I just asked you if he
 21 ever used the words "orders of interest"
 22 when he was training you, and you told me
 23 that you do not recall.
 24 A. That term, I do not recall.

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1 Q. So your recollection today
 2 is that you were being trained to
 3 identify orders of interest?
 4 MR. NICHOLAS: Object to the
 5 form. I believe the questions are
 6 confusing.
 7 THE WITNESS: That is my
 8 term that I'm using. I don't
 9 recall Ed's term that he used in
 10 2009.
 11 BY MR. CLUFF:
 12 Q. When you were training with
 13 Ed and with Scott, did either of them
 14 discuss with you the obligation or
 15 regulatory requirement that a wholesale
 16 distributor has to maintain effective
 17 controls against diversion of controlled
 18 substances?
 19 A. I don't recall that
 20 discussion.
 21 Q. Your title was diversion
 22 control specialist, correct?
 23 A. Yes.
 24 Q. Don't you think it would

Page 113

1 have been important, as a diversion
 2 control specialist, to be trained on
 3 diversion control?
 4 MR. NICHOLAS: Object to the
 5 form. Just argumentative.
 6 THE WITNESS: I most likely
 7 was trained, I just don't recall.
 8 BY MR. CLUFF:
 9 Q. What would that training
 10 have looked like, if it had occurred?
 11 MR. NICHOLAS: Object to the
 12 form.
 13 THE WITNESS: It was
 14 hands-on training.
 15 BY MR. CLUFF:
 16 Q. And that was -- sorry, go
 17 ahead. I didn't mean to interrupt you.
 18 A. As well as, I believe, we
 19 also had PowerPoint trainings at
 20 presentations that were conducted. And
 21 we also conducted weekly meetings.
 22 Q. Do you recall who would have
 23 given the PowerPoint presentations?
 24 A. I do not.

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1 Q. What were the weekly
2 meetings you guys had?
3 A. Weekly meetings consisted of
4 anything new that is happening in our
5 department, any pharmacy visits that were
6 being conducted, as well as any orders
7 that the investigators wanted to discuss,
8 or any other information the
9 investigators wanted to discuss on a
10 variety of subjects.
11 Q. Who attended the weekly
12 meetings?
13 A. Well, at the time when I
14 initially started, it was myself, I
15 believe it was Scott Kirsh, Ed. And then
16 soon afterward Joe Tomkiewicz was hired,
17 as well as Dave Britemyer.
18 Q. Kirsh, you mentioned, was --
19 he had a dual role helping you monitor
20 the -- review the customer orders?
21 A. Initially, yes.
22 Q. And working investigations
23 with Bruce Gundi?
24 A. Yes, that's my recollection.

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1 Q. These names, Tomkiewicz and
2 Britemyer, do you recall their positions?
3 A. Yes. Joe was a diversion
4 control -- I believe his title was
5 investigator.
6 Q. And that's Joe Tomkiewicz?
7 A. Yes.
8 Q. And how about Dave
9 Britemyer?
10 A. Dave Britemyer was an intern
11 for AmerisourceBergen. So he was working
12 during the summer months, and then he was
13 hired full time.
14 Q. So we talked about the
15 training on reviewing customer orders.
16 When you went into
17 autonomous mode without training, what
18 were your responsibilities as a diversion
19 control specialist?
20 A. To review orders or overall?
21 Q. Overall.
22 A. Overall. I conducted due
23 diligence reviews for new customer
24 accounts that want to do business with

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1 AmerisourceBergen, as well as reviewing
2 orders of interest and any other duties
3 as assigned.
4 Q. You said "orders of
5 interest."
6 Was that a part of the scope
7 of your job responsibility in 2009?
8 A. To review customer orders,
9 yes.
10 Q. But you're using orders of
11 interest today to refer to the work you
12 did back then?
13 A. That's correct.
14 Q. And they were not referred
15 to as orders of interest in 2009,
16 correct?
17 MR. NICHOLAS: Object to the
18 form.
19 THE WITNESS: I do not know
20 what they were called back then.
21 BY MR. CLUFF:
22 Q. The reason I'm asking is
23 because we get to different time periods
24 during your work history, and I'm just

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1 trying to make sure that I understand the
2 correct words to use for the work you
3 were doing at the time.
4 So if there was a word that
5 you used in 2009, I'd like us to use that
6 when we talk about the 2009 time period.
7 And my understanding is that you don't
8 recall?
9 A. I don't recall the term that
10 I used. Maybe other investigators used a
11 different term, I don't know.
12 Q. So I don't want to put words
13 in your mouth, but I want you to
14 understand that I'm going to refer to
15 those as customer orders in 2009, then.
16 A. Okay.
17 Q. Because you did not --
18 you've told me you do not recall using
19 the words "orders of interest" in 2009.
20 Does that make sense?
21 A. Yes, I understand.
22 Q. So in 2009, I think you
23 described to me three job
24 responsibilities.

<p style="text-align: right;">Page 118</p> <p>1 One was doing customer -- or</p> <p>2 conducting due diligence on new customer</p> <p>3 accounts; is that right?</p> <p>4 A. As well as overall</p> <p>5 customers, yes.</p> <p>6 Q. Is there a difference</p> <p>7 between the due diligence on new</p> <p>8 customers and what you just referred to</p> <p>9 as overall customers?</p> <p>10 A. It's just reviewing customer</p> <p>11 accounts throughout the month.</p> <p>12 Q. Is new customer due</p> <p>13 diligence sometimes referred to as NCDD?</p> <p>14 A. Correct.</p> <p>15 Q. I've also heard the term</p> <p>16 existing customer due diligence.</p> <p>17 Is that ECDD?</p> <p>18 A. That's CDD.</p> <p>19 Q. CDD, without the E, okay.</p> <p>20 A. Correct.</p> <p>21 Q. And were you responsible for</p> <p>22 both new and existing customer due</p> <p>23 diligence?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 120</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And then I think the third</p> <p>4 category is sort of like special projects</p> <p>5 by assignment?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have a geographic</p> <p>8 area that you were responsible for</p> <p>9 reviewing customer orders in or from?</p> <p>10 A. I was covering, I believe it</p> <p>11 was -- back then, it could have been the</p> <p>12 East and South. It's a little different</p> <p>13 now. But at the time, I think it was</p> <p>14 East and South I was covering.</p> <p>15 Q. Did your geographic area of</p> <p>16 responsibility for customer orders change</p> <p>17 over time?</p> <p>18 A. It has.</p> <p>19 Q. And how did it change?</p> <p>20 A. It changed where I was now</p> <p>21 covering just the North and East regions.</p> <p>22 Q. Are those two separate</p> <p>23 regions, North and East, or --</p> <p>24 A. Yes, yes.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Are you familiar with the</p> <p>2 term 590, Form 590?</p> <p>3 A. I am.</p> <p>4 Q. What is a Form 590?</p> <p>5 A. Form 590 is a pharmacy</p> <p>6 questionnaire.</p> <p>7 Q. Is that a new customer due</p> <p>8 diligence form?</p> <p>9 A. It's a part of it, yes.</p> <p>10 Meaning that -- yes, it is a new customer</p> <p>11 that would complete that form.</p> <p>12 Q. What's a Form 595? Do you</p> <p>13 know what that is?</p> <p>14 A. Form 595 is a new customer</p> <p>15 due diligence, it's a checklist.</p> <p>16 Q. So it's a part of the due</p> <p>17 diligence process?</p> <p>18 A. Process, yes.</p> <p>19 Q. But it's different than the</p> <p>20 590?</p> <p>21 A. Correct.</p> <p>22 Q. In addition to new customer</p> <p>23 and existing customer due diligence, you</p> <p>24 mentioned reviewing customer orders,</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. -- or is it Northeast?</p> <p>2 A. Yes, they are two separate</p> <p>3 regions.</p> <p>4 Q. Before you became a</p> <p>5 diversion control specialist in 2009, do</p> <p>6 you know who was responsible for</p> <p>7 reviewing customer orders out of the</p> <p>8 South region?</p> <p>9 A. I do not.</p> <p>10 Q. Do you know who the</p> <p>11 diversion control specialists were that</p> <p>12 were employed prior to your joining in</p> <p>13 2009?</p> <p>14 A. That would have been Ed</p> <p>15 Hazewski and Scott Kirsh, I believe. And</p> <p>16 there may have been others that I don't</p> <p>17 remember their names, but they weren't</p> <p>18 there when I started.</p> <p>19 Q. So there may have been some</p> <p>20 others that worked as diversion control</p> <p>21 specialists before you started in 2009?</p> <p>22 A. Yes, yes.</p> <p>23 Q. And you just can't remember</p> <p>24 their names?</p>

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1 A. I don't remember their
2 names, but I know there were others.
3 Q. And so prior to you becoming
4 a diversion control specialist, Ed and
5 Scott Kirsh would have been the two
6 persons primarily responsible for
7 reviewing customer orders?
8 A. As well as the other
9 individuals.
10 Q. The people you can't
11 remember?
12 A. I just -- that I can't
13 remember.
14 Q. Yeah, I'm just trying to
15 understand the world of individuals.
16 Okay.
17 When you were conducting new
18 customer and existing customer due
19 diligence, did you consider that to be an
20 investigation?
21 A. It was part of our due
22 diligence process.
[REDACTED]

Page 123

[REDACTED]

Page 124

[REDACTED]

Page 125

[REDACTED]

Page 126

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. As a diversion control
17 specialist, did you ever discuss upward
18 trends, to use your phrase, with any
19 other wholesale distributors?
20 A. Discuss that information
21 with other wholesalers?
22 Q. Yes.
23 A. No, we have not. Not that
24 I'm -- not that I'm aware of.

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1 Q. Do you know if any other
2 employees at AmerisourceBergen ever
3 discussed trends in distribution with any
4 other wholesale distributors?
5 A. Not that I'm aware of.
6 Q. Do you know if -- or have
7 you personally spoken to employees from
8 any manufacturers about trends in
9 controlled substance distribution?
10 A. No, I have not.
11 Q. You said you reported to Ed
12 Hazewski, correct?
13 A. Yes.
14 Q. Do you know if Ed Hazewski
15 ever had meetings with or discussions
16 with employees from any manufacturers
17 about trends in wholesale distribution?
18 A. I'm not aware of any
19 discussion.
20 Q. If Mr. Hazewski had learned
21 about a specific trend in wholesale
22 distribution from another distributor or
23 from a manufacturer, is that information
24 that he would have communicated to you?

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1 MR. NICHOLAS: Object to the
2 form.
3 THE WITNESS: He may have, I
4 don't know.
5 BY MR. CLUFF:
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

Page 129

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 Q. In 2009, when you became a
22 diversion control specialist, were you
23 aware of AmerisourceBergen's suspicious
24 order monitoring policies and procedures?

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Page 132

1

A. Yes.

[illegible]

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Page 133

[illegible][illegible]

Page 134

Page 136

[illegible]

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The image shows a document where the text has been completely redacted. On the left side, there is a vertical column of 25 small black squares, likely representing a list or index. To the right of this column, the text is obscured by a series of horizontal black bars of varying lengths. The bars are arranged in a way that suggests multiple lines of text, with some bars spanning the width of the page and others being shorter. The overall layout is consistent with a list of items where the details have been removed for security or privacy reasons.

Category	Percentage
1	95%
2	30%
3	80%
4	25%
5	15%
6	60%
7	75%
8	10%
9	70%
10	80%
11	35%
12	15%
13	90%
14	10%
15	45%
16	85%
17	15%
18	40%
19	80%
20	60%
21	75%
22	10%
23	30%

Page 138

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Page 140

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Page 139

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Page 141

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Page 142

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Page 144

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Page 143

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Page 145

[REDACTED]

Page 146

[REDACTED]

Page 148

[REDACTED]

Page 147

[REDACTED]

Page 149

[REDACTED]

Page 150

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 Q. Okay. So going back to the
5 distribution center, after an order is
6 sent from the distribution center to the
7 CSRA group, would you have been the
8 person, as a diversion control
9 specialist, to review that order?
10 A. I would be one of them, yes.
11 Q. And what -- and that would
12 be when you were reviewing an order to
13 determine whether it was of unusual
14 frequency, size and pattern; is that
15 right?
16 A. It would be an order of
17 interest. That --
18 Q. I'm talking -- let me
19 correct myself.
20 Prior to 2015, when an order
21 came to your desk, that is when you would
22 begin the process of reviewing that order
23 to determine if it was of unusual size,
24 frequency or pattern?

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1 A. Yes.
2 Q. Did you do anything else
3 with orders during that review process?
4 A. Prior to --
5 Q. 2015.
6 A. If there were -- if I had
7 any questions regarding a customer's
8 order, I would reach out to our
9 pharmacist who is on staff.
10 Q. Who was the pharmacist prior
11 to 2015?
12 A. It would be Sharon Hartman.
13 Q. Do you know when she joined
14 the company?
15 A. I do not know the specific
16 year, but I believe she was on staff in
17 2015.
18 Q. If I suggested that she
19 joined the company in 2014, would that
20 sound accurate to you?
21 MR. NICHOLAS: Objection.
22 Lack of foundation.
23 Go ahead.
24 THE WITNESS: Possibly.

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1 BY MR. CLUFF:
2 Q. Do you know if there was a
3 pharmacist on staff at AmerisourceBergen
4 prior to Ms. Hartman joining the company?
5 A. I believe Joe Tomkiewicz
6 also had some pharmacy background.
7 Q. What was his pharmacy
8 background, if you recall?
9 A. I don't recall.
10 Q. So prior to Ms. Hartman
11 joining the company in 2014, if you had a
12 question that warranted a pharmacist's
13 input, who would you ask about that?
14 A. Prior to that, I don't
15 believe we had any other pharmacists on
16 staff, other than Joe. I would contact
17 Ed Hazewski.
18 Q. And he's who you would ask
19 questions about customer orders where you
20 needed additional input?
21 A. Yes. And, also, we had the
22 sales force also contact the customer at
23 that time.
24 Q. So if you had a question

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1 about an order that was presented to you
2 for review, you would ask the sales force
3 sometimes for --
4 A. Sometimes the sales force.
5 Q. And then they would contact
6 the customer?
7 MR. NICHOLAS: Let him
8 finish.
9 THE WITNESS: No, no. I'm
10 sorry you --
11 BY MR. CLUFF:
12 Q. I didn't mean to talk over
13 you. If you have more of an answer,
14 please give it.
15 A. In addition to the sales
16 force reaching out to the customer, we
17 also had the distribution center manager
18 reach out to the customer as well.
19 Q. So just to kind of
20 understand. If there was a question that
21 you had about an order that you couldn't
22 resolve yourself, prior to 2014, a little
23 confusing now, because that's prior to
24 Ms. Hartman joining, right?

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1 A. Yes.
 2 Q. You would talk to Mr.
 3 Hazewski?
 4 A. Yes.
 5 Q. You could reach out to the
 6 sales force, who would talk to the
 7 customer?
 8 A. Yes.
 9 Q. Or you could reach out to
 10 the distribution center manager, who
 11 maybe also would talk to the customer?
 12 A. Correct.
 13 Q. Did you ever talk to
 14 customers yourself?
 15 A. Prior to that time, I don't
 16 believe I have.
 17 Q. Have you ever talked to
 18 customers after that time?
 19 A. Yes.
 20 Q. When you had questions, what
 21 kind of responses would you get back from
 22 customers?
 23 MR. NICHOLAS: Object to the
 24 form.

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1 Go ahead.
 2 THE WITNESS: If I called
 3 them myself?
 4 BY MR. CLUFF:
 5 Q. You know, that's a good
 6 point.
 7 Let's talk about the before
 8 2014 time period. What kinds of
 9 questions would you have for, like, the
 10 sales force and the distribution center
 11 manager to get information from customers
 12 about?
 13 A. I would ask them the reason
 14 why this pharmacy is placing a larger
 15 order than they typically place.
 16 Q. And what kinds of responses
 17 would you get?
 18 A. I would get a response where
 19 it could be any number of reasons. A
 20 pharmacy had a robbery, they're trying to
 21 replenish their inventory. There's a
 22 pharmacy that closed down the street.
 23 There's product that's going to be in
 24 short demand.

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1 It could be any number of
 2 reasons.
 3 Q. If a pharmacy was robbed,
 4 would you continue shipping to that
 5 pharmacy?
 6 MR. NICHOLAS: Object to the
 7 form.
 8 THE WITNESS: If our
 9 pharmacy was robbed, yes, after we
 10 got a DEA Form 106 and a police
 11 report.
 12 BY MR. CLUFF:
 13 Q. Were there ever any factors
 14 that you would uncover during reviewing
 15 an order that warranted additional due
 16 diligence, prior to 2015?
 17 MR. NICHOLAS: Object to the
 18 form.
 19 THE WITNESS: I'm sure there
 20 has been, but I just don't
 21 recollect right now.
 22 BY MR. CLUFF:
 23 Q. Based on your working
 24 experience, what are some factors that

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1 you would identify as requiring
 2 additional due diligence?
 3 A. Currently?
 4 Q. Yes.
 5 A. I would see if we have any
 6 information on the customer in our Matter
 7 Management System, if we have a Form 590
 8 on file for the customer, and any other
 9 information that we have.
 10 Q. The information management
 11 system you mentioned, is that Lawtrac?
 12 A. Lawtrac is gone. We have
 13 Matter Management System now and NetDocs.
 14 Q. Is Matter Management System
 15 abbreviated MMS?
 16 A. Yes.
 17 Q. And then what was the last
 18 one you mentioned?
 19 A. NetDocs.
 20 Q. What is NetDocs?
 21 A. NetDocs took the replacement
 22 of Lawtrac. So any information that was
 23 previously in Lawtrac should now be in
 24 NetDocs.

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1 Q. When you were reviewing an
2 order, I think you said that some of the
3 information you would look at would be,
4 you know, a Form 590, you would look at
5 the Lawtrac information, correct?
6 A. Yes.
7 Q. And how did those sources of
8 information inform your review of a
9 customer order that had passed the
10 distribution center?
11 A. Well, each order is reviewed
12 individually. So it's really the
13 totality of the circumstances, whatever
14 information we have on file to make a
15 sound decision whether to release or
16 reject and report that order.
17 Q. Are you familiar with the
18 Form 590 project?
19 A. I am.
20 Q. What was the Form 590
21 project?
22 A. The Form 590 project is a
23 listing of all the pharmacies, or all the
24 accounts that ABC services, for which we

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1 did not or could not find a Form 590 for.
2 Q. Do you recall if the Form
3 590 project also included missing Lawtrac
4 information?
5 A. I do not.
6 Q. If an order was presented to
7 you for review and the Form 590 was
8 missing, would you have been able to do
9 an accurate review of that customer's
10 order?
11 A. Yes.
12 Q. How so?
13 A. Based on the systems that we
14 have in place, we can make a decision, as
15 well as personnel we have on staff to
16 make a decision whether to release or
17 report that order, or just reject that
18 order.
19 Q. Was the Form 590 a required
20 document at AmerisourceBergen?
21 MR. NICHOLAS: Object to the
22 form.
23 THE WITNESS: For new
24 customer onboardings, yes.

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1 BY MR. CLUFF:
2 Q. So if a 590 was missing from
3 a customer's file, that would reflect a
4 gap in AmerisourceBergen's policies,
5 correct?
6 MR. NICHOLAS: Object to the
7 form.
8 THE WITNESS: No, not a gap.
9 Just a form could have been lost.
10 BY MR. CLUFF:
11 Q. What about if you received
12 an order from a customer to review and
13 the Lawtrac information was missing or
14 incomplete, could you do an effective
15 review of that customer's order without
16 the Lawtrac information?
17 A. Yes.
18 Q. How so?
19 A. Based on the systems that we
20 have in place.
21 Q. So you testified that you
22 believe you could do an effective review
23 of an order without a 590, with a missing
24 or incomplete Lawtrac information, and

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1 both times you said you could do this
2 based on the systems you have in place.
3 Wasn't the 590 and the
4 Lawtrac part of the system that
5 AmerisourceBergen had in place to review
6 orders?
7 MR. NICHOLAS: Object to the
8 form.
9 THE WITNESS: To review
10 orders? Can you ask that question
11 again, or rephrase it?
12 BY MR. CLUFF:
13 Q. Yes.
14 So the 590 and the Lawtrac
15 information, were they a part of
16 AmerisourceBergen's suspicious order
17 monitoring system?
18 A. It was just a piece of it.
19 Q. Is that the same system that
20 you would have relied on to review orders
21 once they were presented to you from the
22 distribution center?
23 A. It's just a piece of the
24 process that we would look for, yes.

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1 Q. But the piece -- but the
 2 process you were using was missing
 3 pieces, correct?
 4 MR. NICHOLAS: Object to the
 5 form.
 6 THE WITNESS: Not
 7 necessarily missing pieces.
 8 Again, we have systems in place
 9 that review all orders
 10 individually. So we can make a
 11 sound decision with the systems
 12 that we have in place.
 13 BY MR. CLUFF:
 14 Q. But the systems that you
 15 have in place were missing things like
 16 Form 590s and Lawtrac information, right?
 17 MR. NICHOLAS: Object to the
 18 form.
 19 THE WITNESS: If we had any
 20 missing 590s, we would request
 21 them to get completed.
 22 BY MR. CLUFF:
 23 Q. Are you familiar with the
 24 progress that AmerisourceBergen has made

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1 in updating the Form 590s that were
 2 missing?
 3 A. Yes.
 4 Q. How complete is it?
 5 A. I'm not sure of the
 6 percentage that it's completed. But it's
 7 a work in progress.
 8 Q. So it's not completed,
 9 right?
 10 A. It's not fully completed,
 11 no.
 12 Q. Do you know when
 13 AmerisourceBergen first identified that
 14 there was a problem with missing Form 590
 15 information?
 16 MR. NICHOLAS: Object to the
 17 form.
 18 THE WITNESS: I don't know
 19 the specific time frame, no.
 20 BY MR. CLUFF:
 21 Q. Was it before or after 2015,
 22 do you think?
 23 MR. NICHOLAS: Same
 24 objection.

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1 THE WITNESS: I don't know.
 2 BY MR. CLUFF:
 3 Q. I'm going to hand you a copy
 4 of an exhibit, we're going to mark it as
 5 1 to your deposition.
 6 - - -
 7 (Whereupon,
 8 AmerisourceBergen-Kreutzer
 9 Exhibit-1, ABDC_MDL_00304391-392,
 10 was marked for identification.)
 11 - - -
 12 BY MR. CLUFF:
 13 Q. This is a document produced
 14 by AmerisourceBergen. It's Bates stamped
 15 ABDC_MDL_00304391 to 392.
 16 I'll hand you the top copy,
 17 which is the exhibit copy, and you can
 18 hand the rest down to your counsel.
 19 So just so you're aware, I
 20 want to start with the bottom e-mail that
 21 starts on 304391 on the bottom of the
 22 first page.
 23 You can review the whole
 24 document, I'm just letting you know

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1 that's where I want to start.
 2 Do you know who Richard --
 3 I'm sorry, go ahead.
 4 A. Could you hold on for one
 5 second.
 6 Q. Sure. I thought you were
 7 done. My fault.
 8 A. I'm not finished.
 9 Q. Turning to the second page,
 10 which ends in 392, the numbers on the
 11 bottom.
 12 You see at the very top of
 13 the page it says, Below is the text from
 14 the initial e-mail regarding the project.
 15 And the next paragraph down
 16 says, We have been asked by the CSRA
 17 diversion control team to assist them
 18 with the collection of updated
 19 documentation for a substantial number of
 20 customers.
 21 Did I get that right?
 22 A. Yes.
 23 Q. And was it your
 24 understanding, at this time, that the 590

<p style="text-align: right;">Page 166</p> <p>1 project was to be filling out new Form 2 590s for an identified list of customers? 3 A. Yes. Yes, that was my 4 understanding. 5 Q. Looking down at the heading 6 that says, Next steps. It says, Due to 7 the high number of customers that will 8 need validation, we have broken the list 9 into two groups, CPA customers and 10 non-CPA. 11 What does the abbreviation 12 CPA stand for? 13 A. I don't remember right now. 14 Q. Looking in the body of that 15 paragraph underneath, where it says, 16 Beginning January 11th, do you see it 17 says, The 590 forms -- it's in bold in 18 the middle -- should be completed in 19 their entirety and all responses must be 20 legible. After each account is 21 completed, please submit the 22 documentation to customer maintenance. 23 What is customer 24 maintenance?</p>	<p style="text-align: right;">Page 168</p> <p>1 of the 590 project, CSRA was reviewing 2 them? 3 A. Yes. 4 Q. In the next sentence down, 5 it says, CM will then add the 6 documentation to their system and forward 7 to the CSRA OMP group. 8 What is the CSRA OMP group? 9 A. That's the corporate 10 security regulatory affairs order 11 monitoring program group. 12 Q. Who is in that group? 13 A. Myself. 14 Q. Are you the only member? 15 A. No. Let me clarify. 16 It's myself, Carol Sherman 17 Hines, Emily Coldren, Sara Cressman, 18 Nikki Seckinger, Teresa Javier. 19 And that's primarily the 20 ones that would review 590s. 21 Q. And are all the members of 22 the CSRA OMP group, are you diversion 23 control specialists and investigators? 24 A. Yes.</p>
<p style="text-align: right;">Page 167</p> <p>1 A. Customer maintenance is a 2 group that does all the gathering of data 3 for a new prospective account, including 4 Form 590s and photos. 5 Q. Is that a sales function? 6 A. No, it's not a sales 7 function. 8 Q. What department does that 9 group operate under? 10 A. It's just a -- it's a 11 separate department from my department, 12 as well as sales. 13 Q. And they were responsible 14 for gathering customer information? 15 A. Yeah, for new -- for 16 onboarding new customers. 17 Q. Did they have any 18 responsibility for existing customers? 19 A. No. They -- they would -- 20 in this example, they would forward any 21 completed 590s for new and existing 22 customers to the CSRA team to review. 23 Q. Okay. And so after people 24 were filling out these new 590s as part</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Flip back to the first page 2 for me. This e-mail at the bottom was 3 sent by a person named Richard Dominico. 4 Do you see that? 5 A. I do. 6 Q. Do you know who Richard 7 Dominico is? 8 A. Other than his signature, 9 he's a district director. 10 Q. Do you know would -- what is 11 community and specialty pharmacy in the 12 signature block? Do you know what that 13 connotes? 14 A. That's his title, where he 15 oversees the customers within that 16 segment. 17 Q. So is he a customer services 18 or sales kind of a person? 19 A. He's a sales director. 20 Q. So would he have been 21 sending this e-mail, then, to sales 22 associates? 23 A. His reports, yes. 24 Q. Looking back at the second</p>

<p style="text-align: right;">Page 170</p> <p>1 page, there is a bold heading that says, 2 Note. 3 Do you see that? 4 A. Yeah, I do. 5 Q. The first bullet point says, 6 This documentation project should be done 7 within the normal scope of your routing. 8 The priority is still the financial 9 performance of your assignment. 10 Did I read that correctly? 11 A. Yes. 12 Q. So despite the fact that 13 AmerisourceBergen was missing 590s for 14 what Mr. Dominico referred to as a 15 substantial number of customers, he is 16 telling sales associates that financial 17 performance is more important? 18 MR. NICHOLAS: Object to the 19 form. 20 THE WITNESS: I can't 21 comment. I'm not a part of that 22 e-mail. 23 BY MR. CLUFF: 24 Q. But you would agree that</p>	<p style="text-align: right;">Page 172</p> <p>1 Q. Do you recognize this 2 address that she references, the CSRA 3 validation project? 4 A. Yes. 5 Q. What was that? 6 A. CSRA validation project is a 7 term that we use for the assignment. 8 It's not an e-mail address, which she 9 thought it was. 10 Q. So your group used the term 11 CSRA validation project synonymously with 12 590 form project or validation -- 13 A. That's the title of the 14 spreadsheet, yes. 15 Q. Going back to Richard 16 Dominico's e-mail, he says, To date as a 17 company, only 10 percent of the overall 18 customer list has been completed. 19 Does that refresh your 20 recollection about how complete the 21 project was, at least as it existed in 22 July 2017? 23 A. No. 24 Q. It does not?</p>
<p style="text-align: right;">Page 171</p> <p>1 that's the words he's using, right, the 2 priority is still the financial 3 performance of your assignment? 4 MR. NICHOLAS: Object to the 5 form. 6 THE WITNESS: I can't agree, 7 other than what's typed here. 8 BY MR. CLUFF: 9 Q. Who is -- turning back to 10 the first page, Marsha Widrick, if I'm 11 saying that correctly? It's the second 12 e-mail on the page. 13 A. Marsha Widrick, she's one of 14 the sales associates that reports to 15 Richard Dominico. 16 Q. Do you know why she was 17 forwarding you this e-mail? 18 A. I do not. It appears there 19 was some accounts that were listed, and 20 she was just indicating to me that she'll 21 be sending out more requests over the 22 next couple of weeks. And she wanted to 23 know, is there a better address to send 24 them to.</p>	<p style="text-align: right;">Page 173</p> <p>1 Do you have any reason to 2 dispute that the 590 project was more 3 complete than 10 percent as of July 2017? 4 MR. NICHOLAS: Object to the 5 form. 6 THE WITNESS: I don't recall 7 this specific -- this specific 8 e-mail from Richard. 9 BY MR. CLUFF: 10 Q. But you would agree with me 11 that AmerisourceBergen was essentially 12 conducting due diligence on customer 13 orders while missing Form 590s, correct? 14 MR. NICHOLAS: Object to the 15 form. 16 THE WITNESS: We conduct due 17 diligence on all our customers at 18 all times. 19 BY MR. CLUFF: 20 Q. But according to the Form 21 590 project, some of that due diligence 22 was missing? 23 MR. NICHOLAS: Object to the 24 form.</p>

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1 THE WITNESS: Some of those
 2 590s were missing.
 3 BY MR. CLUFF:
 4 Q. Whose responsibility would
 5 it have been to ensure that due diligence
 6 was being completed fully during the
 7 customer onboarding process?
 8 MR. NICHOLAS: Object to the
 9 form.
 10 THE WITNESS: Part of the
 11 process is customers submit a Form
 12 590 and photos.
 13 BY MR. CLUFF:
 14 Q. Do customers submit that
 15 directly to AmerisourceBergen, or do they
 16 submit it to some representative in the
 17 company?
 18 A. The potential customer works
 19 with the sales representative, and, in
 20 turn, then sends it into the customer
 21 maintenance group for their review.
 22 Q. And then what does the
 23 customer maintenance group do with it?
 24 A. Then once they determine

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1 that it is complete, then they will send
 2 it up to the CSRA OMP group for review.
 3 Q. What does the CSRA OMP group
 4 do with it?
 5 A. We review all the
 6 information on the 590 to ensure all the
 7 information is complete. And we conduct
 8 due diligence on the licenses, as well as
 9 the doctors.
 10 Q. Is that process that you
 11 just described, has that been the same
 12 since 2009 all the way until the present
 13 day?
 14 A. The form has changed over
 15 the years, it has evolved. So I don't
 16 recollect what information was on the
 17 initial 590.
 18 Q. I appreciate that
 19 differentiation.
 20 So the form has changed, but
 21 has the process of submitting, reviewing
 22 and approving a form, has that changed?
 23 A. No.
 24 Q. I want to hand you another

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1 set of documents that you can pass down
 2 to your counsel for me. We'll mark this
 3 as Kreutzer Exhibit-2.
 4 - - -
 5 (Whereupon,
 6 AmerisourceBergen-Kreutzer
 7 Exhibit-2, ABDC_MDL_00154441-443,
 8 was marked for identification.)
 9 - - -
 10 BY MR. CLUFF:
 11 Q. It's an e-mail with an
 12 attachment, it is ABDC_MDL_00154441. The
 13 attachment begins at 442 and continues
 14 through 443.
 15 MR. CLUFF: You keep the one
 16 with the numbers on it and pass
 17 the rest down.
 18 BY MR. CLUFF:
 19 Q. So I just want to give you a
 20 couple of notes about this, Mr. Kreutzer.
 21 MR. NICHOLAS: You take that
 22 one.
 23 BY MR. CLUFF:
 24 Q. If you look at the top of

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1 this e-mail, just for reference, you'll
 2 notice that it's from Eric Cherveny to
 3 you, Kevin Kreutzer. The subject is,
 4 Openin -- which I assume is supposed to
 5 be opening -- Lawtrac matters.
 6 And if you look at the
 7 attachments line, it says OMP Lawtrac
 8 review-due diligence notes. If you flip
 9 the page, you'll see there's a subject,
 10 OMP Lawtrac review/due diligence notes.
 11 These documents were
 12 produced as a parent e-mail and
 13 attachment, so they go together. You can
 14 review them. Thanks.
 15 A. Okay.
 16 Q. Do you recall receiving this
 17 e-mail from Eric Cherveny?
 18 A. I do not.
 19 Q. But you would agree that it
 20 is addressed to you, correct?
 21 A. Yes.
 22 Q. I want to start in the
 23 middle of the e-mail. You'll see those
 24 headings, Date, Description, Update,

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1 Source, Name.
2 MR. CLUFF: Can you blow
3 that whole section up, Zach?
4 BY MR. CLUFF:
5 Q. You can look up here, too,
6 if it's easier for you, Mr. Kreutzer,
7 whichever you prefer.
8 But I'm curious, this
9 description here, this, I'll call it a
10 box, for a lack of a better word, is that
11 an example of an entry that would have
12 been in a customer's Lawtrac file?
13 A. It could have been.
14 Q. Where would this kind of a
15 description be entered if it wasn't in
16 Lawtrac?
17 A. Well, it's referring to the
18 content. But at that time, it would have
19 been entered in Lawtrac.
20 Q. And this kind of
21 information, where would it be recorded
22 now?
23 A. In MMS, Matter Management
24 System.

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1 Q. I want to point your
2 attention to the very last sentence in
3 that block. It says, Related documents
4 are attached.
5 From reading the text in
6 that box, do you have any understanding
7 of what related documents would have been
8 attached?
9 A. According to the
10 description, it would be the Form 590 and
11 photos.
12 Q. So if you were to hand me a
13 copy of a Lawtrac file, it would have,
14 I'm guessing, a series of entries like
15 this on a sheet, correct?
16 A. At a minimum, yes.
17 Q. And then it would also have
18 documents included with it?
19 A. Yes.
20 Q. And I understand that this
21 information would have existed
22 electronically on Lawtrac, which is
23 different than, like, handing me a file.
24 But was there a way to

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1 export a Lawtrac file from the Lawtrac
2 database?
3 A. It wasn't always electronic
4 in Lawtrac. It was also in paper form
5 when I first started.
6 Q. So in 2009, the Lawtrac
7 information existed on paper?
8 A. It existed on paper. And
9 all the documents, all the due diligence,
10 was included in a manilla folder entitled
11 as such.
12 Q. Do you know where that would
13 have been housed or kept?
14 A. It would have been kept in
15 the file cabinets in our office.
16 Q. Which office?
17 A. In the sales corporate
18 security/regulatory affairs office.
19 Q. Do you know where that was
20 located? Is it in Philadelphia, or --
21 A. It's in Chesterbrook,
22 Pennsylvania, headquarters.
23 Q. Do you know if those records
24 were kept, or were they destroyed ever?

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1 A. They were moved around
2 after -- I'm not sure of the time frame,
3 a couple of years, they were moved off
4 site to Iron Mountain.
5 Q. What's Iron Mountain?
6 A. Iron Mountain is a storage
7 facility.
8 Q. Do you have any
9 understanding of whether or not those
10 records are still kept at Iron Mountain?
11 A. I do not. I don't believe
12 they are.
13 Q. Do you -- you said you don't
14 believe they are.
15 Is that because you have any
16 understanding about them being moved
17 somewhere else, or you just don't know if
18 they're there?
19 A. I don't know if they're
20 there.
21 Q. At some point were the paper
22 documents migrated to an electronic
23 format?
24 A. Yes.

<p style="text-align: right;">Page 182</p> <p>1 Q. Do you recall when that 2 happened?</p> <p>3 A. I don't recall the exact 4 year.</p> <p>5 Q. Do you think it was before 6 or after 2009?</p> <p>7 A. It was after 2009.</p> <p>8 Q. It was before 2015, though, 9 presumably?</p> <p>10 A. Yes. Approximately 2010, 11 '11.</p> <p>12 Q. What was the procedure for 13 taking the paper files and converting 14 them to an electronic format?</p> <p>15 A. I'm not following you there.</p> <p>16 Q. Sure. Let me rephrase that. 17 Do you know if all of the 18 paper files were converted to electronic 19 format to be recorded in an electronic 20 version of Lawtrac?</p> <p>21 A. Yes, I believe they were.</p> <p>22 Q. The paper files that 23 eventually were stored at Eagle Mountain, 24 do you know how far back those records</p>	<p style="text-align: right;">Page 184</p> <p>1 against CSRA policy to close your own due 2 diligence.</p> <p>3 What does it mean to close 4 due diligence?</p> <p>5 A. I believe this is right when 6 Eric started. And so we were using the 7 Lawtrac system. And at that time, I 8 believe we were closing our own matters.</p> <p>9 Q. What did it mean to close a 10 matter, though?</p> <p>11 A. Meaning that all the due 12 diligence has been conducted and 13 everything is in the file. Just because 14 it's closed doesn't mean it can't be 15 reviewed.</p> <p>16 Q. What kind of due diligence 17 would you have been conducting in this 18 kind of an instance? Is it, like, new 19 customer due diligence? Existing 20 customer order monitoring due diligence? 21 Can you tell?</p> <p>22 MR. NICHOLAS: Object to the 23 form.</p> <p>24 THE WITNESS: According to</p>
<p style="text-align: right;">Page 183</p> <p>1 went?</p> <p>2 A. I don't know. They went 3 back a number of years.</p> <p>4 Q. So you started in diversion 5 control in 2009.</p> <p>6 Do you think they went back 7 five or ten years, if you have an 8 understanding?</p> <p>9 A. I don't know.</p> <p>10 Q. You could not comment, okay. 11 That's fine.</p> <p>12 MR. NICHOLAS: Sterling, I'm 13 not going to stop you in 14 midstream, but it's 12:30. So 15 it's been an hour and-a-half. If 16 it's going to be a long time --</p> <p>17 MR. CLUFF: Let's just 18 finish with this document and 19 we'll move on.</p> <p>20 BY MR. CLUFF: 21 Q. I just want to go back to 22 the substance of Eric's e-mail to you, so 23 starting with the first line, where it 24 says, Kevin, per policy. He says, It's</p>	<p style="text-align: right;">Page 185</p> <p>1 the description here, as requested 2 Form 590 and photos from -- I'm 3 not sure what that acronym stands 4 for, but he's in sales, for an 5 existing ABC retail pharmacy 6 located in Brandon, Missouri, or 7 Mississippi.</p> <p>8 BY MR. CLUFF: 9 Q. So that would have been 10 existing customer due diligence?</p> <p>11 A. Yes.</p> <p>12 Q. And at least at that time, 13 Mr. Cherveney believed that it was against 14 policy to close your own due diligence, 15 right?</p> <p>16 MR. NICHOLAS: Object to the 17 form.</p> <p>18 Go ahead.</p> <p>19 THE WITNESS: Yes.</p> <p>20 BY MR. CLUFF: 21 Q. Continuing, he says, I need 22 to be able to review each due diligence 23 matter before closing. Also, per my 24 memo, the 595 was not properly completed</p>

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1 in this matter.
 2 Can you tell from the
 3 substance of his e-mail to you what was
 4 improperly completed on the 595?
 5 A. I do not know, other than
 6 what he indicates here.
 7 Q. Okay. His closing sentence
 8 of this e-mail is, Also, ensure a 595 is
 9 included in all DD.
 10 Does that stand for due
 11 diligence?
 12 A. It does.
 13 Q. So he wants it included in
 14 all due diligence matters?
 15 A. Yes.
 16 Q. So if a 595 was missing,
 17 that would have indicated a gap in the
 18 due diligence process, right?
 19 MR. NICHOLAS: Object to the
 20 form.
 21 THE WITNESS: Not a gap.
 22 It's just it's missing.
 23 BY MR. CLUFF:
 24 Q. So missing information.

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1 MR. NICHOLAS: Object to the
 2 form.
 3 BY MR. CLUFF:
 4 Q. I want you to turn the page
 5 to the memo that Mr. Cherveny referenced
 6 in his e-mail and that he attached.
 7 He says that upon review of
 8 due diligence matters, he observed some
 9 areas that he wanted to comment on.
 10 Do you recall having any
 11 conversations with Mr. Cherveny about his
 12 comments about due diligence in 2015?
 13 A. I do not.
 14 Q. Was new customer and
 15 existing customer due diligence something
 16 that you discussed with Mr. Cherveny as a
 17 general part of your job
 18 responsibilities?
 19 A. I don't personally recall
 20 responding to him.
 21 Q. Look at the first bold
 22 heading. It says, Lawtrac matters.
 23 The next heading down is,
 24 Number 1, Naming matters. He points out,

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1 in the first sentence, that, All new
 2 customer due diligence and existing
 3 customer due diligence and threshold
 4 review matters should be named
 5 consistently in Lawtrac.
 6 And then the last sentences
 7 say, Please pay special attention to the
 8 misspelling point. This causes havoc
 9 when trying to pull up a customer file.
 10 Did you ever experience
 11 having problems finding customer
 12 information in Lawtrac because of
 13 misspellings or incomplete files?
 14 A. No, I don't recall that.
 15 Q. If a customer's due
 16 diligence was incorrectly named, though,
 17 and you went to go search for it, would
 18 you have been able to find it as part of
 19 your due diligence process?
 20 A. Most likely, yes. Because I
 21 could research it by DEA license.
 22 Q. What did you think Mr.
 23 Cherveny was referring to when he
 24 referenced misnaming of files causing

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1 havoc in customer files?
 2 MR. NICHOLAS: Object to the
 3 form. Lack of foundation.
 4 THE WITNESS: It appears
 5 he's just ensuring that we're all
 6 on the same page and naming the
 7 matters the same across the board.
 8 BY MR. CLUFF:
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]

Highly Confidential Subject to Further Confidentiality Review

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[REDACTED]

Page 192

[REDACTED]

18 BY MR. CLUFF:

19 Q. Does this refresh your

20 recollection at all about when the Form

21 590 problem was first identified?

22 A. No, it does --

23 MR. NICHOLAS: Object to the

24 form.

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[REDACTED]

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1 THE WITNESS: No, it does

2 not.

3 BY MR. CLUFF:

4 Q. But the accuracy and

5 completeness of information on the Form

6 590 was at least something that you were

7 discussing in the CSRA department as

8 early as February of 2015, correct?

9 MR. NICHOLAS: Object to the

10 form.

11 THE WITNESS: It could have

12 been.

13 BY MR. CLUFF:

14 Q. I want you to look at the

15 second-to-last paragraph on the third

16 page, which ends in 443.

17 The paragraph that starts, I

18 don't want to send the wrong message.

19 He says, in the

20 second-to-last sentence, It's very

21 important that we be consistent and

22 detail oriented with all of our due

23 diligence records.

24 MR. NICHOLAS: You don't

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1 want to read the first two
2 sentences to him?
3 MR. CLUFF: Sure, Bob.
4 BY MR. CLUFF:
5 Q. For the most part, the
6 matters I reviewed here were very clear
7 and complete.
8 Then he continues, It's very
9 important that we be consistent and
10 detail oriented with all of our due
11 diligence records. Taking these steps
12 will help to preserve the integrity and
13 contribute to the overall success of our
14 OMP program.
15 Did I read that accurately?
16 A. Yes.

[REDACTED]

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[REDACTED]

Page 196

[REDACTED]

Page 197

[REDACTED]

5 MR. CLUFF: Let's go off the
6 record, and we'll break for lunch.
7 VIDEO TECHNICIAN: Off the
8 record at 12:41 p.m.
9 - - -
10 (Whereupon, a luncheon
11 recess was taken.)
12 - - -
13 VIDEO TECHNICIAN: We're
14 back on the record at 1:35 p.m.
15 MR. CLUFF: Is counsel for
16 Teva on the phone?
17 MR. MAIER: Yes.
18 MR. CLUFF: I wanted to give
19 you a heads up that I'm going to
20 ask Mr. Kreutzer about some
21 Teva-produced documents, all of
22 which he is either an author or
23 recipient of.
24 I'm going to lay some

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1 foundation to establish that he
 2 worked through the scope of these
 3 e-mails and documents, but I
 4 wanted to give you the list now so
 5 you can look at them. I don't
 6 anticipate that you'll have an
 7 objection, because he's an author.
 8 But do you want to write these
 9 down really quick?
 10 MR. MAIER: Yes, that would
 11 be great. Thank you.
 12 MR. CLUFF: So all of these
 13 have the same Teva_MDL-A prefix,
 14 I'll just give you the number of
 15 the lead document.
 16 The first one is 0233-1299.
 17 MR. MAIER: Okay.
 18 MR. CLUFF: The second one
 19 is 06441441.
 20 MR. MAIER: I'm sorry, can
 21 you repeat that one?
 22 MR. CLUFF: Yeah. It's
 23 06441441.
 24 MR. MAIER: Okay.

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1 MR. CLUFF: The next one is
 2 0233-1346.
 3 MR. MAIER: Okay.
 4 MR. CLUFF: After that, it's
 5 0233-1426.
 6 And we included the
 7 attachments to all of those, if
 8 they had one. I think they all
 9 did. And if they had multiple
 10 attachments, we did our best to
 11 make sure they were all included.
 12 MR. MAIER: Okay.
 13 MR. CLUFF: So take a look.
 14 Just wanted you to be aware so
 15 there weren't any surprises or,
 16 you know, problems with them.
 17 But as I said, I'm going to
 18 lay a foundation and he's the
 19 author on all of those.
 20 MR. MAIER: Okay.
 21 BY MR. CLUFF:
 22 Q. So, Mr. Kreutzer, we're back
 23 on the record again. As before, you're
 24 still under oath.

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1 So earlier we talked about
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 A. No, I do not.
 23 Q. And I understand that there
 24 is a privilege being asserted on some of

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1 the work that FTI did in 2015 for
 2 AmerisourceBergen. I just want to remind
 3 you of that. So don't testify to
 4 anything that you learned from your
 5 lawyers about those parameters.
 6 And your lawyer is free to
 7 interpose an objection, but I just wanted
 8 to all be clear that I have some
 9 questions about your understanding, but I
 10 don't want attorney communications.
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]

Page 202

[REDACTED]

Page 204

[REDACTED]

Page 203

[REDACTED]

Page 205

[REDACTED]

Page 206

[REDACTED]

Page 208

[REDACTED]

Page 207

[REDACTED]

Page 209

[REDACTED]

Page 210

[REDACTED]

Page 212

[REDACTED]

as opposed to a
24 threshold review?

Page 211

[REDACTED]

Page 213

[REDACTED]

Page 214

[REDACTED]

Page 216

[REDACTED]

Page 215

[REDACTED]

Page 217

[REDACTED]

<p style="text-align: right;">Page 218</p> <p>1 [REDACTED]</p> <p>2 Q. Okay. All right. We</p> <p>3 previously discussed that you briefly</p> <p>4 worked at Teva, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And that you worked under</p> <p>7 Colleen McGinn; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. In fact, I think you</p> <p>10 testified that she actually interviewed</p> <p>11 you for the job?</p> <p>12 A. Correct.</p> <p>13 Q. Did you -- do you recall</p> <p>14 interviewing with anybody else during the</p> <p>15 time you worked at Teva, or before you</p> <p>16 got the job at Teva?</p> <p>17 A. I do believe I met with two</p> <p>18 other individuals.</p> <p>19 Q. Who were they?</p> <p>20 A. Mike Edwards, I believe.</p> <p>21 And there was an individual in customer</p> <p>22 service, the manager there that I</p> <p>23 interviewed with, which I cannot remember</p> <p>24 her name.</p>	<p style="text-align: right;">Page 220</p> <p>1 work you did with Colleen McGinn on</p> <p>2 developing the suspicious order</p> <p>3 monitoring program for Teva?</p> <p>4 A. She had wanted me to work</p> <p>5 with the IT group internally, as well as</p> <p>6 an individual outside the company, for</p> <p>7 which they had a system already in place.</p> <p>8 I believe they were the developers of a</p> <p>9 new -- of this system. And she had</p> <p>10 wanted me to work with him.</p> <p>11 Q. Do you recall his name?</p> <p>12 A. I believe it was Bob</p> <p>13 Williamson.</p> <p>14 Q. Do you recall what company</p> <p>15 he worked for?</p> <p>16 A. Buzzeo, I believe.</p> <p>17 Q. And is that the company that</p> <p>18 you recall that had a system that they</p> <p>19 could roll out with Teva?</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall having</p> <p>22 meetings with Bob Williamson?</p> <p>23 A. Yes. At least once.</p> <p>24 Q. As part of the work you did</p>
<p style="text-align: right;">Page 219</p> <p>1 Q. Who was Mike Edwards?</p> <p>2 A. He was just another person</p> <p>3 that reported to Colleen. I don't</p> <p>4 remember his title.</p> <p>5 Q. I may have asked this</p> <p>6 already, and if I did, I apologize.</p> <p>7 But do you recall what</p> <p>8 Colleen McGinn's title was?</p> <p>9 A. I don't know exactly.</p> <p>10 Diversion operations director. I know</p> <p>11 she had a director title.</p> <p>12 Q. Do you recall if she was the</p> <p>13 head of DEA compliance?</p> <p>14 A. Yes.</p> <p>15 Q. So she would have been the</p> <p>16 director of DEA compliance?</p> <p>17 A. Correct.</p> <p>18 Q. Do you recall working with</p> <p>19 Colleen McGinn on developing Teva's</p> <p>20 suspicious order monitoring program?</p> <p>21 A. I do.</p> <p>22 MR. MAIER: Object to form.</p> <p>23 BY MR. CLUFF:</p> <p>24 Q. What do you recall about the</p>	<p style="text-align: right;">Page 221</p> <p>1 for Colleen McGinn, did you have</p> <p>2 meetings, or at least prepare for</p> <p>3 meetings, with Mallinckrodt?</p> <p>4 MR. MAIER: Object to form.</p> <p>5 THE WITNESS: I believe we</p> <p>6 did meet Mallinckrodt in person.</p> <p>7 BY MR. CLUFF:</p> <p>8 Q. Do you recall scheduling</p> <p>9 meetings with the big four distributors?</p> <p>10 A. Yes.</p> <p>11 MR. MAIER: Object to form.</p> <p>12 BY MR. CLUFF:</p> <p>13 Q. Do you have a recollection,</p> <p>14 at the time you worked at Teva, who the</p> <p>15 big four distributors were?</p> <p>16 A. I know it was ABC, McKesson,</p> <p>17 Cardinal. And I'm not sure if the fourth</p> <p>18 was Morris -- it might have been Morris</p> <p>19 Dickson or HD Smith, one of the two.</p> <p>20 Q. As part of your work for</p> <p>21 Colleen McGinn, do you recall ever</p> <p>22 putting together SOM, or suspicious order</p> <p>23 monitoring, training programs or</p> <p>24 presentations?</p>

<p style="text-align: right;">Page 222</p> <p>1 A. I had -- I had presented 2 three presentations, yes. 3 Q. And what were those 4 presentations about? 5 A. It was the -- I believe Bob 6 Williamson helped me develop the 7 presentation. It was about the current 8 issues with the opioid crisis and some 9 other stats. 10 Q. And who did you give those 11 presentations to? 12 A. One was to Colleen's group. 13 Another was the customer service group. 14 And then one I gave to the customer 15 service manager individually. 16 Q. And Colleen's group was the 17 DEA compliance group? 18 A. Yes. 19 Q. At Teva, based on your work 20 there, do you recall that customer 21 service was responsible for a portion of 22 Teva's suspicious order monitoring 23 program? 24 MR. MAIER: Object to the</p>	<p style="text-align: right;">Page 224</p> <p>1 an attachment to this e-mail that 2 is titled, Teva relaunch.zip. 3 I've included those 4 documents with the e-mail, to the 5 best of my ability. Some of them 6 have a designation, file produced 7 natively. The total document runs 8 through 02331320. 9 BY MR. CLUFF: 10 Q. Mr. Kreutzer, this is a 11 longer document. I'm not going to ask 12 you questions about every page. 13 So rather than us waste your 14 time with you going through every page of 15 it, which you're free to do if you 16 desire, what I was going to propose is 17 that I point to you the places in the 18 document where I'd like to discuss with 19 you. And then when we get there, if you 20 feel like you need to review that page or 21 that piece of this document, you can let 22 me know, and we can give you a minute or 23 two off the record to do that. 24 Does that sound like a</p>
<p style="text-align: right;">Page 223</p> <p>1 form. 2 THE WITNESS: A small part, 3 yes. 4 BY MR. CLUFF: 5 Q. Is that why you would have 6 been presenting to that group about 7 suspicious order monitoring? 8 A. Perhaps. 9 Q. Okay. 10 MR. MAIER: Object to form. 11 BY MR. CLUFF: 12 Q. I'll hand you a copy of what 13 we'll mark as Number 3. 14 - - - 15 (Whereupon, 16 AmerisourceBergen-Kreutzer 17 Exhibit-3, 18 Teva_MDL_A_(0)233-1299-320, was 19 marked for identification.) 20 - - - 21 MR. CLUFF: For counsel on 22 the phone, this is the first Teva 23 document that I mentioned. It's 24 Teva_MDL_A_(0)233-1299. There's</p>	<p style="text-align: right;">Page 225</p> <p>1 workable proposal? 2 A. That's fair. 3 Q. Thank you. 4 Let's start on the first 5 page, which is the e-mail from Robert 6 Williamson. If you look up at the top 7 there, it's from Robert Williamson to 8 you, Colleen McGinn and LeRoy Simoes. 9 I'm probably not saying that right. 10 Why don't you go ahead and 11 review this cover e-mail? 12 A. Okay. Good. 13 Q. So I want to look at the 14 first full paragraph there under the good 15 morning salutation. 16 So the person writing the 17 e-mail is Robert Williamson. I believe 18 you referred to him as Bob. Is it okay 19 if I refer to him as Bob? 20 A. Sure. 21 Q. Not to be confused with your 22 esteemed lawyer here. 23 He says, I've attached some 24 documents that we previously worked on.</p>

<p style="text-align: right;">Page 226</p> <p>1 Do you recall if the "we" he</p> <p>2 was discussing was Buzzeo and Teva, or if</p> <p>3 he meant just employees at Teva?</p> <p>4 A. I'm not sure.</p> <p>5 Q. He continues and says that,</p> <p>6 These documents may be useful for this</p> <p>7 morning's call. If not, they surely will</p> <p>8 be when he comes to meet with you --</p> <p>9 "you" being Kevin.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. So without requiring you to</p> <p>13 review all these documents, do you recall</p> <p>14 having calls with employees from Buzzeo</p> <p>15 about suspicious order monitoring?</p> <p>16 A. I do recall speaking with</p> <p>17 Bob. But I don't remember much about</p> <p>18 those calls.</p> <p>19 Q. Do you recall having a</p> <p>20 meeting with him some time in late</p> <p>21 January or early February of 2013?</p> <p>22 A. We did meet.</p> <p>23 Q. What was the substance of</p> <p>24 that meeting?</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. Why were you trying to</p> <p>2 enhance it?</p> <p>3 A. Just like with any system,</p> <p>4 you're always trying to enhance the</p> <p>5 system as it goes on.</p> <p>6 Q. In 2013 -- actually, I</p> <p>7 believe we discussed earlier the time</p> <p>8 period during which you worked at Teva,</p> <p>9 and I think you said that you joined that</p> <p>10 company in 2012 and you worked there for</p> <p>11 three months.</p> <p>12 Looking at the date in this</p> <p>13 e-mail, which is January 2013, does that</p> <p>14 refresh your recollection about how long</p> <p>15 you would have worked at Teva?</p> <p>16 A. It does.</p> <p>17 Q. So is it possible that you</p> <p>18 worked until the middle of 2013 instead</p> <p>19 of middle of 2012?</p> <p>20 A. I started January 7th, as I</p> <p>21 indicated previously, but I may have said</p> <p>22 2012. So it was 2013 until April 1st,</p> <p>23 2013.</p> <p>24 Q. So your recollection is that</p>
<p style="text-align: right;">Page 227</p> <p>1 A. I don't remember</p> <p>2 specifically. I really don't remember</p> <p>3 the content.</p> <p>4 Q. Okay. I mean, as a general</p> <p>5 matter, do you recall why you and Colleen</p> <p>6 were meeting with Buzzeo during this time</p> <p>7 period?</p> <p>8 MR. MAIER: Object to form.</p> <p>9 THE WITNESS: Yes. My</p> <p>10 understanding is that we were</p> <p>11 trying to develop an SOM program,</p> <p>12 or a system, or a more enhanced</p> <p>13 system than they currently had.</p> <p>14 BY MR. CLUFF:</p> <p>15 Q. Was it your understanding</p> <p>16 that Teva did not have a well-developed</p> <p>17 SOM system in 2013?</p> <p>18 MR. MAIER: Object to form.</p> <p>19 THE WITNESS: No, I don't</p> <p>20 believe that. I know they had a</p> <p>21 system in place, but I believe we</p> <p>22 were trying to enhance that</p> <p>23 system.</p> <p>24 BY MR. CLUFF:</p>	<p style="text-align: right;">Page 229</p> <p>1 you started in January 2013 instead of</p> <p>2 2012?</p> <p>3 A. That is correct.</p> <p>4 Q. Understood.</p> <p>5 And so you would have worked</p> <p>6 until approximately April of 2013?</p> <p>7 A. April 1st.</p> <p>8 Q. Okay. Understood.</p> <p>9 In the months that you</p> <p>10 worked at Teva, do you think you</p> <p>11 developed a pretty good working</p> <p>12 understanding of Teva's suspicious order</p> <p>13 monitoring system?</p> <p>14 MR. MAIER: Object to form.</p> <p>15 THE WITNESS: I felt like I</p> <p>16 had a good understanding of their</p> <p>17 system in place.</p> <p>18 BY MR. CLUFF:</p> <p>19 Q. Did you feel like it was a</p> <p>20 robust system?</p> <p>21 MR. MAIER: Object to form.</p> <p>22 THE WITNESS: I felt like it</p> <p>23 was a good system that they had.</p> <p>24 BY MR. CLUFF:</p>

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1 Q. Did you feel like it was
2 complying with all of the rules and
3 regulations for manufacturing controlled
4 substances?
5 MR. MAIER: Object to form.
6 THE WITNESS: I believe so.
7 BY MR. CLUFF:
8 Q. I want you to turn back with
9 me ten pages back. There is -- one of
10 the attachments is a document, it
11 should -- my copy is in color, I'm not
12 sure if yours is.
13 But at the top it says,
14 Cegedim relationship management
15 compliance solutions powered by Buzzeeo
16 PDMA. I believe that's a two-page
17 attachment.
18 Do you want to look at that
19 and familiarize yourself with it? I have
20 a few questions for you.
21 MR. MAHADY: 13087?
22 MR. CLUFF: I think that's
23 right. The copy I printed for
24 myself doesn't have the Bates

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1 number.
2 We have it down here, 1308.
3 THE WITNESS: Just 1308 and
4 1309 to look at?
5 MR. CLUFF: Yes.
6 THE WITNESS: Okay.
7 BY MR. CLUFF:
8 Q. So the title of this
9 document, you can see at the top, is,
10 Teva Accounts, quote, Red Flags, closed
11 quote.
12 Do you have any recollection
13 of what this document was that Buzzeeo
14 attached to its cover e-mail for you?
15 A. I do not recollect this
16 document.
17 Q. Do you have any reason to
18 dispute that this is a true and accurate
19 copy of a document that was provided to
20 Teva, or to you while you were employed
21 at Teva?
22 A. I have no reason to doubt
23 that.
24 Q. Are you familiar with the

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1 concept -- or what -- the term that is in
2 quotes there, red flags?
3 MR. MAIER: Object to form.
4 THE WITNESS: Yes.
5 BY MR. CLUFF:
6 Q. What are red flags?
7 A. Red flags may be situations
8 where -- a situation where you would need
9 to take a closer look at.
10 Q. And why would you be taking
11 a closer look at them?
12 A. I can only address what's in
13 this document. And these are the red
14 flags that are addressed in this
15 document.
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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1 Q. Do you see here that Buzzeo
2 identified a large percentage of
3 controlled substances versus NCS as a red
4 flag?
5 A. Yes.
6 Q. You disagree with that
7 statement?
8 A. No, I don't disagree.
9 Q. What about going down one
10 more on the list, DEA compliance issues.
11 Do you see that Buzzeo
12 identified DEA compliance issues as a red
13 flag that Teva should be looking at?
14 A. Right.
15 Q. Are you aware that
16 AmerisourceBergen had its registration
17 suspended in 2007?
18 A. Yes.
19 Q. Would you qualify that as a
20 DEA compliance issue?
21 MR. NICHOLAS: Object to the
22 form. Lack of foundation.
23 THE WITNESS: Not
24 necessarily.

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1 BY MR. CLUFF:
2 Q. So in your opinion as a
3 diversion control specialist, having
4 worked at AmerisourceBergen, losing a DEA
5 registration -- let me clarify -- having
6 a DEA registration suspended is not a DEA
7 compliance issue?
8 MR. NICHOLAS: Object to the
9 form. Lack of foundation.
10 THE WITNESS: It could be,
11 based on the results of why the
12 registration was suspended.
13 BY MR. CLUFF:
14 Q. In your work in diversion
15 control since approximately 2009, are you
16 aware that Cardinal Health and McKesson
17 also, at various points, had their
18 registrations suspended?
19 MR. KELLY: Objection.
20 Form.
21 THE WITNESS: I believe so.
22 BY MR. CLUFF:
23 Q. Would you qualify those as
24 DEA compliance issues?

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1 MR. NICHOLAS: Object to the
2 form.
3 THE WITNESS: Could be.
4 BY MR. CLUFF:
5 Q. Was Teva currently
6 monitoring for DEA compliance issues
7 before they received this red flags list
8 from Buzzeo?
9 MR. MAIER: Objection. Form
10 and foundation.
11 THE WITNESS: That, I don't
12 know.
13 BY MR. CLUFF:
14 Q. Let's move down the list
15 three more. It says, Lack of suspicious
16 order monitoring system.
17 Are you aware of any Teva
18 customers that lacked a suspicious order
19 monitoring system?
20 A. I am not.
21 Q. At the time that you
22 received this information from Buzzeo,
23 are you aware if Teva was monitoring for
24 suspicious order monitoring systems by

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1 its customers?
2 A. I believe they were.
3 Q. How about the next one down,
4 Threshold-based suspicious order
5 monitoring system.
6 Do you see that that's a red
7 flag that Buzzeo identified for Teva?
8 A. Yes.
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. Would you agree that based
17 on this list, that should have been a red
18 flag to Teva?
19 A. No, I do not agree.
20 MR. MAIER: Objection.
21 Form.
22 BY MR. CLUFF:
23 Q. But do you agree that Buzzeo
24 identified it as a red flag for Teva?

<p style="text-align: right;">Page 238</p> <p>1 MR. NICHOLAS: Object to the 2 form. Lack of foundation. 3 THE WITNESS: I don't agree 4 with that. 5 BY MR. CLUFF: 6 Q. Buzzeeo was hired by Teva, 7 though, to help improve Teva's suspicious 8 order monitoring system, correct? 9 MR. NICHOLAS: Objection. 10 Form. Foundation. 11 MR. MAIER: Object to form. 12 THE WITNESS: Yes. 13 BY MR. CLUFF: 14 Q. But you disagree with their 15 recommendations regarding red flag 16 monitoring? 17 MR. NICHOLAS: Objection to 18 the form. Lack of foundation. 19 THE WITNESS: I don't know 20 what discussions took place, other 21 than the document in front of me. 22 There may have been additional 23 discussions and/or documents that 24 may not be here.</p>	<p style="text-align: right;">Page 240</p> <p>1 MR. MAIER: Objection. 2 Foundation. 3 MR. NICHOLAS: Object to 4 form and foundation. 5 THE WITNESS: I don't agree 6 with that. 7 BY MR. CLUFF: 8 Q. Do you not agree that it is 9 a red flag, is what you're saying? 10 A. I don't agree that it's a 11 red flag. 12 Q. But do you see that Buzzeeo 13 recommends it as a red flag? 14 A. I do see that. 15 Q. Do you know whether Teva 16 adopted that portion of the list as part 17 of its suspicious order monitoring 18 system? 19 A. I do not know. And I don't 20 recall this document. 21 Q. Do you see the next major 22 heading down at the bottom of that first 23 page says, Downstream? 24 A. Yes.</p>
<p style="text-align: right;">Page 239</p> <p>1 BY MR. CLUFF: 2 Q. That was actually my next 3 question. 4 Do you know whether Teva 5 adopted this list of red flags for their 6 suspicious order monitoring system? 7 A. I do not. 8 Q. So you're unaware whether 9 Teva decided to monitor its customers for 10 threshold-based systems? 11 A. I do not know. 12 Q. Do you see the next one down 13 on the list is, Customer due diligence 14 deficiencies? 15 A. Yes. 16 Q. We previously talked about 17 the problems with the Form 590 validation 18 project. 19 Would you agree that Teva 20 is -- excuse me, Buzzeeo is identifying to 21 Teva due diligence deficiencies like the 22 590 project as a red flag? 23 MR. NICHOLAS: Object to the 24 form.</p>	<p style="text-align: right;">Page 241</p> <p>1 Q. What does that refer to? 2 MR. MAIER: Objection. Form 3 and foundation. 4 THE WITNESS: I'd have to 5 read over this. 6 I'm not sure exactly what 7 that refers to. 8 BY MR. CLUFF: 9 Q. Does it possibly -- based on 10 your understanding of Teva's business 11 model, does it possibly refer to 12 suspicious order monitoring of downstream 13 customers like pharmacies? 14 MR. MAIER: Object to form 15 and foundation. 16 THE WITNESS: I don't know. 17 There's not enough information 18 here for me to make a decision. 19 BY MR. CLUFF: 20 Q. We talked about three issues 21 on this list, DEA compliance issues, 22 threshold-based suspicious order 23 monitoring system, and customer due 24 diligence deficiencies. I think that's</p>

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1 Number 2, 6 and 7 on the list.
 2 A. Yes.
 3 Q. And you said you disagreed
 4 that those are red flags.
 5 Why do you feel that those
 6 are not red flags?
 7 MR. NICHOLAS: Object to the
 8 form.
 9 MR. MAIER: Objection.
 10 THE WITNESS: I don't agree,
 11 because, first, I don't recall
 12 this document; and, second, there
 13 may have been changes made to this
 14 document that I'm unaware of.
 15 BY MR. CLUFF:
 16 Q. I guess my question is a
 17 little bit different. I'm not asking you
 18 whether Teva actually adopted these
 19 recommendations.
 20 What I was asking is, you
 21 know, for example, do you think that a
 22 DEA compliance issue with one of Teva's
 23 customers should have been a red flag to
 24 Teva?

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1 MR. MAIER: Objection.
 2 Form.
 3 THE WITNESS: It could be,
 4 based on the circumstances.
 5 BY MR. CLUFF:
 6 Q. How about a threshold-based
 7 suspicious order monitoring system, do
 8 you feel that that should have been a red
 9 flag to Teva about its customers?
 10 MR. MAIER: Objection.
 11 Form.
 12 MR. NICHOLAS: Same
 13 objection. And lack of
 14 foundation.
 15 THE WITNESS: I don't think
 16 so.
 17 BY MR. CLUFF:
 18 Q. Why not?
 19 A. I don't think so because
 20 just because an account has a
 21 threshold -- or a supplier has a
 22 threshold-based system doesn't mean that
 23 the customers are aware of those
 24 thresholds.

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1 Q. How about customer due
 2 diligence deficiencies, do you agree that
 3 that should be a red flag for Teva about
 4 its customers?
 5 MR. MAIER: Objection. Form
 6 and foundation.
 7 MR. NICHOLAS: Same.
 8 THE WITNESS: It could be,
 9 based on the circumstances.
 10 BY MR. CLUFF:
 11 Q. I want to point out one
 12 more. It says, Distribution to brokers
 13 and/or buying groups.
 14 Do you understand what a
 15 pharmacy buying group is?
 16 A. We do have pharmacy buying
 17 groups, but I'm not really familiar with
 18 the complete definition.
 19 Q. But AmerisourceBergen does
 20 distribute to buying groups?
 21 A. Correct.
 22 Q. What about distribution to
 23 repackagers and relabelers, do you know
 24 what repackagers and relabelers are?

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1 A. I don't recall any customers
 2 offhand.
 3 Q. Do you know if
 4 AmerisourceBergen distributes to
 5 repackagers or relabelers?
 6 A. I can't think of one
 7 customer at the moment.
 8 Q. Does AmerisourceBergen, the
 9 parent company, have any other business
 10 segments that might qualify as
 11 repackagers or relabelers, based on your
 12 understanding of those terms?
 13 MR. NICHOLAS: Object to the
 14 form. Lack of foundation.
 15 THE WITNESS: I just don't
 16 know. I don't know those
 17 customers.
 18 BY MR. CLUFF:
 19 Q. The last term on this list
 20 is suspicious activity, on the first
 21 page, just above downstream.
 22 Do you see that?
 23 A. Yes.
 24 Q. Do you know what suspicious

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1 activity Buzzeo might have been referring
2 to with that --
3 MR. MAIER: Objection. Lack
4 of foundation.
5 BY MR. CLUFF:
6 Q. -- with that bullet?
7 A. I do not.
8 Q. If you turn two pages back
9 in the document, the Bates number is
10 ending in 1310. The top heading is,
11 Compliance solutions powered by Buzzeo
12 PDMA. It looks like that document is
13 four pages long, and ends at 1313.
14 I can tell you, I have just
15 a couple of questions for you and they
16 are about the comment boxes that appear
17 in the right-hand margin, which are on
18 the second and third page.
19 So you can review that
20 document, but that's the -- that's where
21 I'm going to focus.
22 A. Okay.
23 Q. Do you have any
24 understanding of what this document is?

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1 A. Just other than the title.
2 Q. What does the title indicate
3 to you?
4 A. SOM SOP template. So I'm
5 assuming it's suspicious order monitoring
6 standard operating procedures.
7 Q. And would these be a
8 template that Buzzeo was providing to
9 Teva as part of its suspicious order
10 monitoring policies?
11 MR. MAIER: Objection.
12 Foundation.
13 THE WITNESS: I don't -- I
14 don't remember this document.
15 BY MR. CLUFF:
16 Q. Turning to the second page,
17 which is 1311, there's a Paragraph Number
18 4 that says, Responsibility.
19 And under that, in bold
20 italics, it says, DEA compliance,
21 question mark. DEA compliance and
22 customer service, question mark.
23 And I'll note that there is
24 a comment box that pops out from service,

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1 with a dotted line. It says, Comment,
2 bracket, RB1, closed bracket.
3 Do you know what RB would
4 have stood for?
5 A. I do not.
6 Q. And the comment says, What
7 about limiting responsibility to DEA
8 compliance?
9 Do you know what that refers
10 to?
11 A. No. I don't recall this
12 document.
13 Q. Let's flip to the next page,
14 which ends in 1312.
15 Looking at Paragraph 8,
16 Clearing an order from suspicion.
17 Subparagraph 8.2 says, All orders will be
18 initially investigated by customer
19 service representatives.
20 And there's another comment
21 box, again, RB2.
22 Does that refresh your
23 recollection about who RB2 might be?
24 A. No. I don't know who RB is.

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1 Q. And then there are three
2 questions there. Should this only be in
3 this department? What about DEA
4 compliance? Should they have primary
5 role?
6 Do you have any
7 understanding about what those questions
8 are about?
9 A. No.
10 Q. Do you have any recollection
11 of a discussion at Teva about whether
12 customer service versus DEA compliance
13 should have responsibility for suspicious
14 order policies and procedures?
15 MR. MAIER: Objection.
16 Form.
17 THE WITNESS: I don't recall
18 a discussion being made.
19 BY MR. CLUFF:
20 Q. Do you recall who had
21 primary responsibility for things like
22 suspicious order monitoring and clearing
23 suspicious orders?
24 A. I know I reviewed them when

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1 I was in that role.
 2 Q. And what were you reviewing
 3 them for at the time?
 4 A. According to the documents,
 5 for pended orders, I was reviewing for a
 6 pattern and if a drug was pended before.
 7 Q. What does it mean to be
 8 pended?
 9 A. I'm assuming that means when
 10 the order goes into review status.
 11 - - -
 12 (Whereupon,
 13 AmerisourceBergen-Kreutzer
 14 Exhibit-4,
 15 Teva_MDL_A_(0)233-1346-348, was
 16 marked for identification.)
 17 - - -
 18 MR. CLUFF: I put a sticker
 19 on my copy so -- I'll give you the
 20 next document, which we marked as
 21 4.
 22 For those on the phone, this
 23 is Teva_MDL_A_(0)233-1346. It has
 24 an attachment which begins at 1347

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1 and continues to 1348.
 2 BY MR. CLUFF:
 3 Q. This is a short document,
 4 Mr. Kreutzer, so go ahead and familiarize
 5 yourself with it.
 6 A. Okay.
 7 Q. Starting at the top, this is
 8 an e-mail you wrote to Colleen McGinn,
 9 February 4, 2013. Subject: Questions
 10 for Mallinckrodt, with the attachment
 11 Mallinckrodt February 7.
 12 And you write, Thanks, I was
 13 working on it -- I was actually working
 14 on it so they were in a more organized
 15 manner.
 16 Do you recall receiving and
 17 sending this e-mail to Colleen?
 18 A. I do not.
 19 Q. Do you have any reason to
 20 dispute that this is a true and accurate
 21 copy of an e-mail that you received from
 22 Colleen and then replied to?
 23 A. No.
 24 Q. Looking at the attachment

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1 that starts on (0)2331347, have you ever
 2 seen that document before?
 3 A. I don't recall this
 4 document.
 5 Q. Do you recall preparing it
 6 at all?
 7 A. I don't recall preparing it
 8 either.
 9 Q. But do you generally recall
 10 preparing for a meeting with Mallinckrodt
 11 in February of 2013?
 12 A. I do, but I don't remember
 13 the content, what information we were
 14 preparing for our visit.
 15 Q. Do you have any reason to
 16 dispute that this is a true and correct
 17 copy of an e-mail that you -- I mean, a
 18 document that you and Colleen McGinn
 19 worked on together in February of 2014?
 20 A. No, I don't.
 21 Q. The subject matter of this
 22 e-mail is, Questions for Mallinckrodt.
 23 Do you see that at the top?
 24 A. Yes.

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1 Q. And then turning to the
 2 title of the attachment, it says,
 3 Mallinckrodt, February 7, 2013 visit-SOM
 4 program.
 5 A. Yes.
 6 Q. Would this, then, reflect
 7 questions Teva was going to ask
 8 Mallinckrodt in a meeting about its SOM
 9 program?
 10 A. Yes, I believe so.
 11 Q. Do you recall whether, in
 12 2013, Teva was coordinating the
 13 enhancements to its suspicious order
 14 monitoring program with Mallinckrodt?
 15 A. I don't recall that.
 16 Q. Based on this e-mail and the
 17 questions here that are attached to that
 18 e-mail, do you have any understanding
 19 that Teva was coordinating its suspicious
 20 order monitoring program with
 21 Mallinckrodt?
 22 A. No, I don't.
 23 MR. MAIER: Form.
 24 Foundation.

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1 BY MR. CLUFF:
2 Q. What about an understanding
3 of enhancing its program in coordination
4 with Mallinckrodt?
5 A. I don't recall that.
6 Q. Do you recognize the name
7 Jack Crowley?
8 A. I don't remember his name.
9 Where do you see his name?
10 Q. It's a name I have in my
11 head that I was curious if you
12 understand.
13 Do you know if Colleen
14 McGinn talked to anybody at any other
15 manufacturers about Buzzeo or suspicious
16 order monitoring?
17 A. No, I don't.
18 MR. MAIER: Objection.
19 Foundation.
20 BY MR. CLUFF:
21 Q. In the work that you did
22 with Colleen on enhancing Teva's
23 suspicious order monitoring program, did
24 you communicate with anybody from any

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1 other manufacturers?
2 A. AmerisourceBergen.
3 Q. That's a distributor though,
4 right?
5 A. I'm sorry. I misunderstood
6 the question.
7 You said manufacturers?
8 Q. Yes.
9 A. I did conduct an audit of
10 Cardinal's program.
11 Q. That's also a distributor,
12 right?
13 A. Yes. I'm sorry.
14 Q. So did you personally meet
15 with anybody from a manufacturer like
16 Purdue or Actavis or Endo --
17 A. I have not, no.
18 Q. You did mention, though,
19 that you met -- you conducted an audit of
20 Cardinal Health.
21 What was that?
22 A. They were providing me a
23 PowerPoint presentation of their order
24 monitoring program.

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1 Q. Do you recall what time
2 frame that was?
3 A. I do not, but it was within
4 my 90 days between January and end of
5 March.
6 Q. And you mentioned
7 AmerisourceBergen, what about -- can you
8 tell me what happened with
9 AmerisourceBergen?
10 A. Conducted an audit. It was
11 a questionnaire that we presented to Ed
12 Hazewski. I was with Bob Mallinckrodt --
13 not Bob Mallinckrodt, Bob Williamson on
14 my visit with Ed.
15 Q. And that's Bob Williamson
16 from Buzzeo?
17 A. That is correct.
18 Q. So together you conducted an
19 audit, using a questionnaire, of
20 Amerisource's programs?
21 A. Correct.
22 Q. Did you -- going back to
23 this attachment, the Mallinckrodt
24 February -- Mallinckrodt February 7, 2013

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1 visit, did you go -- do you know if this
2 meeting happened between Teva and
3 Mallinckrodt on February 7th?
4 A. It did.
5 Q. Did you attend the meeting?
6 A. I did.
7 Q. So you're aware of these
8 questions that were asked to Mallinckrodt
9 by Teva?
10 A. I'm sure we did use these
11 questions as part of our visit, but I
12 don't remember their responses.
13 Q. Do you recall if these
14 questions were asked to Mallinckrodt
15 because Teva was looking for advice on
16 how to structure its own SOM program?
17 MR. MAIER: Objection.
18 Form.
19 THE WITNESS: No, I don't
20 know that.
21 BY MR. CLUFF:
22 Q. Do you have any reason to
23 dispute that Teva was asking for guidance
24 on establishing an SOM program?

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1 A. Teva was looking to enhance
2 their order monitoring program.
3 Q. And was this meeting part of
4 the effort to enhance the program?
5 A. I don't know.
6 Q. Okay. Do you have any
7 recollection of why this meeting happened
8 with Mallinckrodt?
9 A. I do not remember.
10 Q. Looking under the category
11 general there, it's underlined at the
12 top.
13 The first question is, Can
14 you describe the SOM program you have in
15 place?
16 Would you agree here that
17 Teva was asking Mallinckrodt to describe
18 its SOM program?
19 A. Yes.
20 Q. The next question down is,
21 How did you roll out your program to
22 customers?
23 Is that correct?
24 A. Yes.

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1 Q. Moving down a few it says,
2 Have you had any pushback?
3 Do you recall if
4 Mallinckrodt described any pushback about
5 its SOM program?
6 A. I do not remember.
7 Q. The next one down is, How do
8 you handle noncompliance issues?
9 Do you recall if
10 Mallinckrodt discussed any noncompliance
11 issues?
12 A. No, I do not.
13 Q. And then what about the last
14 bullet point there, it says, What kind of
15 training did you perform? Customer
16 service? SOM employees?
17 Do you recall discussing
18 that?
19 A. No, I don't.
20 Q. Under customer due
21 diligence, do you see that? It's the
22 second underlined heading.
23 A. Yes.
24 Q. And you recall that this was

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1 occurring in February 2013? I think the
2 question is, Do you have a risk analysis
3 of customers that are less of a threat
4 than others?
5 And there's a bullet point
6 there, For example, AmerisourceBergen,
7 Cardinal and McKesson, less than a threat
8 than a small distributor and retail
9 pharmacy chain.
10 Is that right? Did I read
11 it accurately?
12 A. That is correct, yes.
13 Q. In February of 2013, were
14 you aware that AmerisourceBergen,
15 Cardinal and McKesson had all, at various
16 times, had their registrations to
17 distribute controlled substances
18 suspended?
19 MR. KELLY: Object to the
20 form.
21 MR. NICHOLAS: Object to the
22 form. And foundation.
23 THE WITNESS: I don't recall
24 the suppliers having their

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1 licenses suspended.
2 BY MR. CLUFF:
3 Q. You don't recall that these
4 suppliers had their licenses suspended?
5 MR. NICHOLAS: Object to the
6 form.
7 THE WITNESS: I do not
8 recall.
9 BY MR. CLUFF:
10 Q. If you knew at the time, in
11 2013, that Amerisource, Cardinal and
12 McKesson had all had their licenses
13 suspended, would you have classified them
14 as a lower threat than smaller
15 distributors?
16 MR. NICHOLAS: Object to the
17 form.
18 Go ahead.
19 THE WITNESS: I don't
20 recall.
21 BY MR. CLUFF:
22 Q. There's a note here about
23 retail pharmacy chains.
24 What companies come to mind

<p style="text-align: right;">Page 262</p> <p>1 as examples of retail pharmacy chains?</p> <p>2 MR. NICHOLAS: Object to the</p> <p>3 form.</p> <p>4 THE WITNESS: I don't</p> <p>5 remember the pharmacy chains that</p> <p>6 Teva serviced.</p> <p>7 BY MR. CLUFF:</p> <p>8 Q. I'm asking just your general</p> <p>9 recollection, who would be -- like,</p> <p>10 qualify as a pharmacy chain?</p> <p>11 A. Rite Aid. Walgreens.</p> <p>12 Q. CVS?</p> <p>13 A. CVS, perhaps.</p> <p>14 Q. How about Walmart?</p> <p>15 A. Walmart.</p> <p>16 Q. Were you aware that any of</p> <p>17 the retail pharmacy chains, prior to</p> <p>18 2013, had paid fines to the DEA for not</p> <p>19 fulfilling their regulatory obligations</p> <p>20 under the Controlled Substances Act?</p> <p>21 MR. MAIER: Object to form.</p> <p>22 MR. NICHOLAS: Foundation</p> <p>23 and form.</p> <p>24 THE WITNESS: I don't recall</p>	<p style="text-align: right;">Page 264</p> <p>1 Form and foundation.</p> <p>2 THE WITNESS: According to</p> <p>3 what's on the form that's in front</p> <p>4 of me.</p> <p>5 BY MR. CLUFF:</p> <p>6 Q. Skipping down two bullet</p> <p>7 points, it says, How do you determine how</p> <p>8 high a threshold should be? Do you make</p> <p>9 a threshold adjustment if warranted? How</p> <p>10 is that done?</p> <p>11 Would you agree here that</p> <p>12 Teva is asking Mallinckrodt here for</p> <p>13 advice on setting thresholds and</p> <p>14 adjusting them?</p> <p>15 MR. MAIER: Object to form.</p> <p>16 THE WITNESS: I don't recall</p> <p>17 the discussions that were</p> <p>18 discussed with Mallinckrodt.</p> <p>19 BY MR. CLUFF:</p> <p>20 Q. But at least this document</p> <p>21 reflects that it was a topic that Teva</p> <p>22 wanted to discuss with Mallinckrodt,</p> <p>23 right?</p> <p>24 A. It was a question that was</p>
<p style="text-align: right;">Page 263</p> <p>1 the certain pharmacies and chains,</p> <p>2 no.</p> <p>3 BY MR. CLUFF:</p> <p>4 Q. If you had been aware, in</p> <p>5 2013, that retail pharmacy chains had</p> <p>6 paid fines for failing to fulfill their</p> <p>7 duties under the CSA, would you have</p> <p>8 classified them as lower risk than other</p> <p>9 distributors?</p> <p>10 MR. NICHOLAS: Object to the</p> <p>11 form.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 I would have to discuss that with</p> <p>14 the management team.</p> <p>15 BY MR. CLUFF:</p> <p>16 Q. Moving down the document,</p> <p>17 there's an outline -- an underlined</p> <p>18 heading that says, Order review.</p> <p>19 It says, Teva's SOM program</p> <p>20 is based on two standard deviations above</p> <p>21 the average.</p> <p>22 Is that an accurate</p> <p>23 statement?</p> <p>24 MR. NICHOLAS: Objection.</p>	<p style="text-align: right;">Page 265</p> <p>1 posed on the form.</p> <p>2 Q. If you move to the next</p> <p>3 page, which ends in 1348, I'm interested</p> <p>4 in the top two bullet points there.</p> <p>5 The first one, How do you</p> <p>6 determine if a customer exceeded their</p> <p>7 threshold? Do you release orders that</p> <p>8 are over the thresholds?</p> <p>9 Would you agree that Teva</p> <p>10 wanted to seek Mallinckrodt's advice on</p> <p>11 customers exceeding thresholds?</p> <p>12 A. I don't recall that</p> <p>13 discussion.</p> <p>14 Q. But that's what the document</p> <p>15 indicates, correct?</p> <p>16 A. That's what the document</p> <p>17 indicates. And I don't recall if we</p> <p>18 discussed that, or what the results of</p> <p>19 the question was.</p> <p>20 Q. The next one down says, What</p> <p>21 actions do you take if customers are</p> <p>22 exceeding your threshold?</p> <p>23 Do you recall what actions</p> <p>24 Teva took if customers exceeded</p>

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1 thresholds?

2 A. I do not.

3 Q. Do you recall if Teva

4 discussed this with Mallinckrodt?

5 A. I do not.

6 MR. MAIER: Objection. Form

7 and foundation.

8 BY MR. CLUFF:

9 Q. Let's go down to DEA

10 interaction. The first line says, Have

11 you reported any orders deemed, quote,

12 suspicious to DEA?

13 Do you recall if Teva was

14 identifying suspicious orders to the DEA

15 in 2013?

16 A. Yes.

17 Q. They were?

18 A. Yes.

19 Q. Okay.

20 A. I reported it myself.

21 Q. Do you recall if Teva asked

22 Mallinckrodt whether they were reporting

23 suspicious orders to the DEA?

24 MR. MAIER: Objection.

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1 Form.

2 THE WITNESS: I'm sorry,

3 could you ask that question again,

4 please?

5 BY MR. CLUFF:

6 Q. Sure.

7 Do you recall if

8 Mallinckrodt -- if Teva asked

9 Mallinckrodt whether they reported

10 suspicious orders to the DEA?

11 A. I don't recall that.

12 Q. All right. Let's look at

13 the next underline, it's chargeback data.

14 Do you recall we previously

15 today discussed chargeback data in

16 general?

17 MR. NICHOLAS: Object to the

18 form.

19 THE WITNESS: In general,

20 yes.

21 BY MR. CLUFF:

22 Q. It's not a quiz, I was just

23 trying to refresh that we had talked

24 about it.

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1 A. Understood.

2 Q. Does this little paragraph

3 here add any understanding or refresh

4 your recollection at all about what

5 chargeback data is or how it's used?

6 A. I don't remember that.

7 MR. NICHOLAS: Sterling, if

8 we're on to the next -- another

9 document, I'd like to take a

10 break.

11 MR. CLUFF: Is there a

12 reason you would like to take a

13 break?

14 MR. NICHOLAS: I need a

15 break.

16 MR. CLUFF: Yeah, let's take

17 a break.

18 VIDEO TECHNICIAN: Off the

19 record at 2:41 p.m.

20 - - -

21 (Whereupon, a brief recess

22 was taken.)

23 - - -

24 VIDEO TECHNICIAN: We're

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1 back on the record at 2:56 p.m.

2 BY MR. CLUFF:

3 Q. Mr. Kreutzer, you testified

4 that you only worked for Teva for

5 approximately 90 days?

6 A. Yes.

7 Q. How come you decided to

8 leave Teva after only 90 days?

9 A. I was let go.

10 Q. Can you share the reason why

11 you were let go?

12 A. Sure. I was let go because

13 Colleen felt that I wasn't doing the job

14 up to par, I guess.

15 Q. Did she express what part of

16 the job you were not doing up to par?

17 A. She felt like I needed more

18 assistance than I should have had. She

19 was not -- she wasn't directly on site at

20 all times, she was off site at another

21 location. So I was by myself on the job,

22 for the most part.

23 Q. Was there a specific part of

24 your job parameters or job description

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1 where she felt that -- where she
2 identified that your performance was
3 lacking?
4 A. One issue was that I took it
5 upon myself to contact a customer
6 directly regarding an order that was
7 pending. But I was previously told that
8 if I had any questions of any customers
9 that I had to go through customer
10 service, and then customer service would
11 then contact the customer with my
12 questions and then relay the answers back
13 to customer service, and then back to me.
14 Q. And so the problem was that
15 if you contacted the customer directly?
16 A. Yes.
17 Q. Was that the straw that
18 broke the camel's back, so to speak?
19 MR. MAIER: Object to form.
20 THE WITNESS: I think it was
21 a good part of it.
22 BY MR. CLUFF:
23 Q. Was there any other -- any
24 other specific information that was

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1 conveyed to you about what Colleen
2 perceived that you had not done
3 adequately enough?
4 A. Well, I don't recall the
5 real specifics. But I had felt that the
6 job duties that were listed for the
7 assignment were above what I -- above my
8 current experience level at the time, and
9 I indicated that to her on my departure.
10 Q. So it was -- I'm trying to
11 understand.
12 Was it your belief at the
13 time that they were requiring more of you
14 than they had advertised during the
15 interview process?
16 A. That was my feelings.
17 Q. Did you feel like you got
18 adequate training to fulfill your job
19 responsibilities when you worked at Teva?
20 MR. MAIER: Object to form.
21 THE WITNESS: I mean, I felt
22 like I did have training, but
23 there wasn't a current department
24 that I worked in. I was literally

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1 by myself.
2 It was a new role for the
3 company, so I had to figure
4 everything out for myself, as far
5 as contact people, and anything
6 else for that matter.
7 BY MR. CLUFF:
8 Q. Did you feel like you
9 were -- that you did not have enough
10 resources to do the job that Teva was
11 asking you to do?
12 A. I was supposed to have a
13 person to -- that was going to report to
14 me when I first received the position.
15 And then that position was taken away,
16 prior to my starting with the company.
17 But other than that, my role
18 was to mainly work with IT, as well as
19 customer service for any customer
20 inquiries that I had.
21 Q. And was your role at Teva
22 essentially the same role that you had
23 had at AmerisourceBergen, that being sort
24 of customer order monitoring and

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1 diversion control?
2 A. It was. But it was also a
3 role to enhance their current SOM program
4 and to develop policies and procedures.
5 Q. How did you feel about the
6 quality of the employees you worked with
7 at Teva? Did you feel like they were
8 qualified to do their jobs?
9 MR. MAIER: Objection.
10 THE WITNESS: I do.
11 BY MR. CLUFF:
12 Q. You mentioned that you felt
13 like Teva expected more from you than
14 they advertised in the interview.
15 Do you feel like Teva
16 expected more out of its other employees
17 than they really were qualified to give?
18 A. That, I don't know.
19 MR. MAIER: Form.
20 Foundation.
21 MR. CLUFF: I want to show
22 you a document. This is produced
23 by Teva. It's
24 Teva_MDL_A_(0)233-1426. That's

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1 the e-mail with an attachment.
2 The attachment begins
3 Teva_MDL_A_(0)233-1428. It's a
4 natively produced Bates number --
5 excuse me, it's a natively
6 produced PowerPoint, so it all has
7 the same Bates number.
8 And we'll mark it as Number
9 5.
10 - - -
11 (Whereupon,
12 AmerisourceBergen-Kreutzer
13 Exhibit-5,
14 Teva_MDL_A_(0)233-1426-428, was
15 marked for identification.)
16 - - -
17 MR. CLUFF: I'm going to
18 have some questions for you about
19 specific slides. But why don't
20 you go ahead and review just the
21 cover e-mail to start?
22 MR. MAHADY: Sterling, if
23 you know, did the attachment have
24 confidentiality designations?

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1 MR. CLUFF: I'm unaware.
2 But if we want to treat it, for
3 purposes of the deposition, as
4 confidential, since the cover
5 e-mail is confidential, I'm okay
6 with that. But I'll defer to
7 Teva's lawyer on this one.
8 Do you know if this
9 PowerPoint would have had a
10 confidentiality designation?
11 MR. MAIER: I believe it
12 would have. I'm not sure what
13 form you're dealing with --
14 MR. CLUFF: Sure.
15 MR. MAIER: -- you know,
16 what format, so I would request
17 that we would treat it that way.
18 MR. CLUFF: We'll lodge that
19 on the record that this document
20 will be treated as confidential.
21 BY MR. CLUFF:
22 Q. Did you have a chance to
23 review the e-mail, Mr. Kreutzer?
24 A. Not quite yet.

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1 Q. Did you say something?
2 A. Not quite yet.
3 MR. CLUFF: My colleague,
4 Will Powers, here who is next to
5 me at the depo, looked in the
6 Relativity database and this
7 document, the attachment is
8 designated as confidential. So we
9 can all agree on that.
10 THE WITNESS: Okay.
11 BY MR. CLUFF:
12 Q. Let's start with your e-mail
13 to Colleen McGinn on March 15th. It's at
14 the bottom of the second page, or middle
15 of the second page.
16 It looks like you asked
17 Colleen to take a look at this
18 PowerPoint, and you describe it as a
19 PowerPoint that Bob came up with.
20 Would that have been Bob
21 Williamson?
22 A. Yes.
23 Q. And it says, in the next
24 sentence, When we met the other day -- is

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1 that you and Colleen would have met?
2 A. Where do you see that
3 e-mail?
4 Q. The same e-mail. The next
5 sentence says, When we met the other day,
6 you wanted to have a couple slides from
7 Bob that had information regarding fines,
8 et cetera.
9 I was curious if the "we"
10 referred to you and Colleen?
11 MR. MAHADY: The second
12 page.
13 MR. CLUFF: Thanks, Joe.
14 THE WITNESS: I think what I
15 was referring to is -- it was
16 possibly Bob, but I'm not sure.
17 BY MR. CLUFF:
18 Q. In either event, you said,
19 Those slides are now in the presentation,
20 Slides 10, 11 and 12.
21 So those would have been
22 slides that Colleen asked you to include?
23 A. Yes.
24 Q. So moving to the very bottom

<p style="text-align: right;">Page 278</p> <p>1 of the first page, the e-mail from 2 Colleen to you, it continues on to the 3 second page. 4 Would you agree with me it 5 looks like she has some comments about 6 the slides? Does that seem accurate? 7 A. Yes. 8 Q. At the end of that e-mail, 9 it says, You may want to add something in 10 here about evaluating chargeback data in 11 the future. 12 Correct? 13 A. Yes. 14 Q. And then let's skip up two 15 e-mails, and you essentially told her, 16 you know, Slide 23 has the facets and 17 Slide 37 mentioned the bullet points 18 about chargeback data. 19 And she says she wants you 20 to put in some more information about 21 chargeback data, right? 22 A. Yes. 23 Q. So that would be Slide 28, 24 according to your first e-mail?</p>	<p style="text-align: right;">Page 280</p> <p>1 native format. So we printed it 2 as a PDF so that the slide appears 3 in the top half of the page and 4 any speakers notes would have 5 appeared on the bottom half of the 6 page. 7 And we also formatted the 8 footer so that it would reflect 9 the Bates number and a page 10 number, just so that it's -- for 11 ease of reference for the witness 12 to look through. We didn't make 13 any other -- we didn't make any 14 changes to the substance of the 15 document. 16 BY MR. CLUFF: 17 Q. Did you look at Page 8? 18 A. I did, yes. 19 Q. Do you see there, DEA 20 statement is the heading? 21 A. Yes. 22 Q. So there it says, DEA has 23 and will continue to pursue criminal, 24 administrative and civil actions against</p>
<p style="text-align: right;">Page 279</p> <p>1 A. Correct. 2 Q. All right. When you were 3 reviewing the document that I handed you 4 as Exhibit-5, did you flip through the 5 PowerPoint? 6 A. I didn't flip through it 7 yet. 8 Q. Does it look familiar to 9 you? 10 A. Vaguely. 11 Q. And it appeared, based on 12 your first e-mail, this was something 13 that Bob may have drafted initially but 14 then you had some interaction with 15 working on it, correct? 16 A. Correct. 17 Q. Okay. Can you turn to Slide 18 8? It will have an 8 in the bottom 19 right-hand corner. 20 MR. CLUFF: So the lawyers 21 on the phone are aware, when I 22 created this exhibit from the 23 production, as I said, this 24 attachment was produced in its</p>	<p style="text-align: right;">Page 281</p> <p>1 registrants who fail to comply with all 2 aspects of the CSA and its implementing 3 requirements -- or regulations as 4 required. More recent actions include, 5 but are not limited to, actions against 6 wholesale distributors, such as Harvard 7 Drugs, KeySource, CVS, Cardinal, 8 McKesson, Southwood and Sunrise. 9 Are you aware of any 10 enforcement actions against any of those 11 distributors? 12 A. Nothing in particular. 13 Q. We previously talked about 14 the red flags that Buzzeo provided to 15 Teva. And I believe one of them said 16 something about the major distributors 17 like Cardinal, McKesson and Amerisource 18 not being a risk. 19 Would you agree that, based 20 on this DEA statement regarding the 21 enforcement actions against Cardinal and 22 McKesson, that they were maybe a higher 23 risk than some other distributors? 24 MR. KELLY: Objection to</p>

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1 form.
 2 MR. MAIER: Object to form
 3 and foundation.
 4 MR. NICHOLAS: Join.
 5 THE WITNESS: No, I can't
 6 agree.
 7 BY MR. CLUFF:
 8 Q. Why would you disagree with
 9 that statement?
 10 A. Why? Because I don't know
 11 who input this document and where it came
 12 from and what other discussions were
 13 discussed on this PowerPoint and if any
 14 changes were made.
 15 Q. As a general matter, having
 16 worked in suspicious order monitoring and
 17 diversion control since 2009, do you have
 18 an opinion about whether a company who
 19 had their -- or who was subject to a DEA
 20 enforcement action would be high risk
 21 versus low risk?
 22 MR. NICHOLAS: Object to the
 23 form. Lack of foundation.
 24 THE WITNESS: No.

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1 MR. MAIER: Same objection.
 2 THE WITNESS: No, I don't
 3 have an opinion.
 4 BY MR. CLUFF:
 5 Q. Looking at that first line
 6 of the DEA statement slide, it says, DEA
 7 has and will --
 8 MR. CLUFF: Can you
 9 underline this, Zach, so he can
 10 see where I'm pointing to?
 11 BY MR. CLUFF:
 12 Q. DEA has and will continue to
 13 pursue criminal, administrative and civil
 14 actions against registrants.
 15 Are you aware of what --
 16 that a violation of a CSA can result in
 17 criminal action against a registrant?
 18 MR. MAIER: Objection to
 19 foundation.
 20 MR. NICHOLAS: Same
 21 objection. Form and foundation.
 22 THE WITNESS: I'm only aware
 23 of what's highlighted in front of
 24 me.

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1 BY MR. CLUFF:
 2 Q. Based on what's in front of
 3 you, would you agree that violation of
 4 the CSA could subject the registrant to
 5 criminal action?
 6 MR. NICHOLAS: Object to the
 7 form. And foundation.
 8 MR. MAIER: Same objection.
 9 THE WITNESS: It depends on
 10 the circumstances.
 11 BY MR. CLUFF:
 12 Q. But it's definitely a
 13 possibility, right?
 14 MR. NICHOLAS: Object to the
 15 form.
 16 MR. MAIER: Same objection.
 17 THE WITNESS: I wouldn't say
 18 it's definitely a possibility, but
 19 it's a possibility.
 20 BY MR. CLUFF:
 21 Q. Looking back at the second
 22 page of this document, which is your
 23 e-mail to Colleen, you informed her that
 24 you added Slides 10, 11 and 12, right?

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1 Do you see that there in the
 2 first paragraph of your e-mail at the
 3 bottom?
 4 The next page.
 5 A. Yes.
 6 Q. In the PowerPoint, let's go
 7 to those slides, 10, 11 and 12.
 8 I want to focus on Number
 9 11, if you're there. Go ahead and read
 10 that for me.
 11 A. Okay.
 12 Q. So a little sidebar, your
 13 lawyers and I had -- we noted that
 14 Colleen appears to have deleted and maybe
 15 changed some slides. So the original 10,
 16 11 and 12 might not be the same 10, 11
 17 and 12 that you're looking at here.
 18 So I'll ask you, looking at
 19 Number 11, is this a slide that you
 20 recall having drafted?
 21 A. I don't recall this slide.
 22 Q. Looking at the top, it says,
 23 Distributor and manufacturer initiative
 24 program.

<p style="text-align: right;">Page 286</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Are you familiar with the</p> <p>4 concept of a distributor initiative or a</p> <p>5 manufacturer initiative program?</p> <p>6 A. I am not.</p> <p>7 Q. Looking at the first point</p> <p>8 it says, Established in 2005 to remind</p> <p>9 DEA registrants of regulatory obligation</p> <p>10 to maintain effective controls against</p> <p>11 diversion.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Earlier we talked about</p> <p>15 whether you might have received training</p> <p>16 at AmerisourceBergen, as a diversion</p> <p>17 control specialist, about effective</p> <p>18 controls against diversion.</p> <p>19 Having read this paragraph</p> <p>20 here, do you have any recollection about</p> <p>21 receiving training on effective controls</p> <p>22 against diversion?</p> <p>23 A. At Teva?</p> <p>24 Q. AmerisourceBergen.</p>	<p style="text-align: right;">Page 288</p> <p>1 BY MR. CLUFF:</p> <p>2 Q. Did you have an</p> <p>3 understanding, as a diversion control</p> <p>4 specialist at AmerisourceBergen, that</p> <p>5 part of the way to maintain effective</p> <p>6 controls against diversion was through</p> <p>7 effective due diligence?</p> <p>8 A. I'm aware of effective due</p> <p>9 diligence, yes.</p> <p>10 Q. Was it a part of -- strike</p> <p>11 that.</p> <p>12 How about suspicious order</p> <p>13 reporting, was that a part of</p> <p>14 AmerisourceBergen's efforts to maintain</p> <p>15 effective controls against diversion?</p> <p>16 MR. NICHOLAS: Object to the</p> <p>17 form.</p> <p>18 Go ahead.</p> <p>19 THE WITNESS: Can you ask</p> <p>20 that question -- rephrase that</p> <p>21 question?</p> <p>22 BY MR. CLUFF:</p> <p>23 Q. Was suspicious order</p> <p>24 reporting a part of AmerisourceBergen's</p>
<p style="text-align: right;">Page 287</p> <p>1 A. At AmerisourceBergen.</p> <p>2 I don't recall the specific</p> <p>3 training that I received, but I did</p> <p>4 receive training.</p> <p>5 Q. Looking down at the next</p> <p>6 bold bullet point, it states that, The</p> <p>7 stated goal of the program is to cut off</p> <p>8 the source of supply to these (rogue pain</p> <p>9 clinics, physicians and pharmacies)</p> <p>10 through effective due diligence and</p> <p>11 suspicious order recording.</p> <p>12 Do you have any</p> <p>13 understanding of that being the goal of</p> <p>14 the distributor and manufacturer</p> <p>15 initiatives?</p> <p>16 A. I did not.</p> <p>17 Q. Did you understand, as a</p> <p>18 diversion control specialist at</p> <p>19 AmerisourceBergen, that part of your</p> <p>20 responsibility was to maintain effective</p> <p>21 controls against diversion?</p> <p>22 MR. NICHOLAS: Object to the</p> <p>23 form.</p> <p>24 THE WITNESS: No, I am not.</p>	<p style="text-align: right;">Page 289</p> <p>1 efforts to maintain effective controls</p> <p>2 against diversion?</p> <p>3 MR. NICHOLAS: Objection.</p> <p>4 Because I think you just reread</p> <p>5 it. You didn't rephrase it.</p> <p>6 MR. CLUFF: I took a few</p> <p>7 words out.</p> <p>8 BY MR. CLUFF:</p> <p>9 Q. Did my question make sense</p> <p>10 to you?</p> <p>11 A. Not really.</p> <p>12 Q. As a diversion control</p> <p>13 specialist, did you understand that</p> <p>14 AmerisourceBergen had a duty to identify</p> <p>15 and report suspicious orders?</p> <p>16 A. I do understand that.</p> <p>17 Q. Did you understand that that</p> <p>18 duty arose from the regulatory obligation</p> <p>19 to maintain effective controls against</p> <p>20 diversion?</p> <p>21 MR. NICHOLAS: Object to the</p> <p>22 form.</p> <p>23 Go ahead.</p> <p>24 THE WITNESS: According to</p>

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1 the CFR.
2 BY MR. CLUFF:
3 Q. Can you move forward to
4 Slide Number 15, please? I have some
5 just general questions before we get into
6 the slide.
7 Before you became the
8 diversion control specialist at
9 AmerisourceBergen -- well, in your work
10 as a diversion control specialist at
11 AmerisourceBergen, did you become
12 familiar with AmerisourceBergen's
13 suspicious order monitoring and reporting
14 policy before 2009?
15 A. Before I was hired in the
16 department?
17 Q. Yes. Did you have an
18 understanding of what it was before you
19 were hired?
20 A. No, I did not.
21 Q. Do you know if
22 AmerisourceBergen has always reported
23 suspicious orders to the DEA?
24 A. As far as I know, we have.

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1 Q. Are you aware that prior to
2 2007 -- or aware if, prior to 2007,
3 AmerisourceBergen reported excessive
4 purchases after it identified them as
5 such?
6 A. I'm not aware of that.
7 Q. I want to point your
8 attention to the very last bullet point
9 there.
10 It says, Registrants who
11 routinely report suspicious orders yet
12 fill those orders are failing to maintain
13 effective controls against diversion.
14 Do you see that?
15 A. I do.
16 Q. Do you have any
17 understanding of what that means?
18 A. No. Because I feel like
19 that's a vague statement.
20 Q. Do you know if, at this
21 time, Teva was shipping orders that it
22 reported as suspicious?
23 MR. MAIER: Objection. Form
24 and foundation.

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1 THE WITNESS: No, I do not.
2 BY MR. CLUFF:
3 Q. Do you have any
4 understanding about whether
5 AmerisourceBergen shipped orders that it
6 deemed were suspicious prior to 2015?
7 A. Could you ask that again,
8 please?
9 Q. Sure. So I think -- I used
10 2015, because we talked about there was a
11 change from thresholds to parameters in
12 2015.
13 A. Correct.
14 Q. In your work as a diversion
15 control specialist prior to 2015, are you
16 aware of AmerisourceBergen shipping
17 orders that were deemed suspicious?
18 A. No, I am not.
19 Q. If that happened, would you
20 agree that it was a failure to maintain
21 effective controls against diversion?
22 MR. NICHOLAS: Object to the
23 form.
24 THE WITNESS: No, I do not

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1 agree.
2 BY MR. CLUFF:
3 Q. So your opinion is, based on
4 your work as a diversion control
5 specialist, that if AmerisourceBergen
6 shipped an order that it deemed was
7 suspicious, that would not be a failure
8 to maintain effective controls against
9 diversion?
10 MR. NICHOLAS: Object to the
11 form.
12 THE WITNESS: We would not
13 ship a suspicious order. We would
14 reject it and report it.
15 BY MR. CLUFF:
16 Q. What happens if it's shipped
17 after it's identified as suspicious?
18 MR. NICHOLAS: Object to the
19 form.
20 THE WITNESS: I don't think
21 we can ship a suspicious order.
22 Our system won't allow it.
23 BY MR. CLUFF:
24 Q. Take a look with me at Slide

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1 20. You can go ahead and read that if
2 you'd like to.
3 A. Okay.
4 Q. So you see there it says,
5 System challenges and responses?
6 A. Yes.
7 Q. And the major heading at the
8 top is, Common SOM pitfalls?
9 A. Yes.
10 Q. Do you see there in bold
11 where it says, quote, Threshold, quote,
12 based systems are not sufficient?
13 A. Yes.
14 Q. This document, based on its
15 attachment to this e-mail, was drafted in
16 2013, correct?
17 A. It was included in the
18 document, yes. It came from 2007, it
19 appears.
20 Q. The PowerPoint comes from
21 2007?
22 A. The slide. Well, the DEA
23 memorandum.
24 Q. Right, yeah. Okay. Thank

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1 you. I was going to get to that.
2 You see at the bottom there,
3 where it says this comment about a
4 threshold sytem not being sufficient
5 comes from a December 27, 2007 DEA
6 memorandum?
7 A. Yes.
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 BY MR. CLUFF:
23 Q. So you disagree with the
24 DEA's memorandum?

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1 MR. NICHOLAS: Objection.
2 Objection to the form.
3 THE WITNESS: I agree with
4 the system we currently had in
5 place at the time.
6 BY MR. CLUFF:
7 Q. So you would agree with the
8 system you had in place at the time
9 instead of the December 2007 DEA
10 memorandum?
11 MR. NICHOLAS: Object to the
12 form. You're asking him about a
13 document that he doesn't remember
14 that is quoting something that he
15 hasn't said he's even seen.
16 I'll object to the form.
17 THE WITNESS: I don't -- as
18 Bob stated, I don't remember this
19 document or this slide.
20 MR. CLUFF: Hold on.
21 THE WITNESS: Sorry.
22 MR. CLUFF: Bob, that's a
23 clear example of you coaching this
24 witness and influencing his

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1 testimony. I'm not going to make
2 a big deal about it, because we've
3 had a pretty collegial deposition
4 today.
5 But I'd like to request that
6 that not happen again, please.
7 MR. NICHOLAS: Well, now --
8 MR. CLUFF: I'm going to let
9 you finish. But all I want to say
10 is, we've had this out before,
11 there's no reason for any of us to
12 get upset about it. But
13 objection, form; objection,
14 foundation. You know the proper
15 basis for an objection. You
16 influenced his testimony, and he
17 just used your objection to answer
18 my question. And that's not
19 proper.
20 MR. NICHOLAS: Well, all
21 I'll say in response is that I
22 disagree with your
23 characterization of my objection
24 and his response.

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1 If I think your
2 questions are unfair, I'm going to
3 say I think it's unfair.
4 Now you can proceed.
5 BY MR. CLUFF:
6 Q. Mr. Kreutzer, your attorney
7 is entitled to object. But I'm also
8 entitled to an answer to my question.
9 His objection is not a proper basis for
10 you to give me an answer based on his
11 objection.
12 So let's look at this
13 document again. Quote, Threshold, closed
14 quote, based systems are not sufficient.
15 Is that right?
16 A. That's what it states.
17 Q. Looking down at the bottom
18 section of this document, you identified
19 that this comes from a December 2007 DEA
20 memorandum, correct?
21 MR. NICHOLAS: Object to the
22 form.
23 THE WITNESS: Yes.
24 MR. NICHOLAS: And

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1 foundation.
2 BY MR. CLUFF:
3 Q. Now, do you see the bullet
4 point that immediately precedes that,
5 that says, Do not meet the regulations?
6 A. That's what it states right
7 there.
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 Q. I just have one more slide
16 here to talk to you about. Let me find
17 it.
18 I previously asked you if
19 Teva reported suspicious orders to the
20 DEA.
21 Do you remember that?
22 A. Yes.
23 Q. Look at Slide 38 for me.
24 And I just would point out

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1 to you, the top portion of the slide
2 says, Improving our processes and target
3 dates; is that right?
4 A. Yes.
5 Q. Based on looking at this
6 document, do you believe that this would
7 have been Teva identifying processes that
8 needed to be improved?
9 A. It appears to be.
10 Q. Looking at the first bullet
11 point on that list of things that Teva
12 identified needed to be improved, would
13 you agree with me that it says, Began
14 reporting suspicious orders to the DEA?
15 A. Yes.
16 Q. So prior to February 2013,
17 Teva did not report suspicious orders to
18 the DEA?
19 A. That, I don't know.
20 MR. MAIER: Objection.
21 Form.
22 BY MR. CLUFF:
23 Q. Do you have any reason to
24 disagree with this slide?

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1 A. I can only -- I can only
2 read what's in front of me. I don't know
3 if any orders were reported prior to --
4 from February 2013.
5 Q. Based on the time when you
6 worked at Teva, which I believe you said
7 was January to April 1st, 2013, were you
8 aware that Teva reported suspicious
9 orders prior to February 2013?
10 A. I am not.
11 MR. MAIER: Object to form
12 and foundation.
13 BY MR. CLUFF:
14 Q. Midway down the list there,
15 there's another bullet point that says,
16 Developing SOPs (targeted 03/13).
17 Was it your understanding,
18 based on your work at Teva, that Teva did
19 not have in operation standard operating
20 procedures prior to March of 2013?
21 MR. MAIER: Objection.
22 Form.
23 THE WITNESS: No, I believe
24 they did have some standard

<p style="text-align: right;">Page 302</p> <p>1 operating procedures. But I don't</p> <p>2 remember which ones they were.</p> <p>3 BY MR. CLUFF:</p> <p>4 Q. Okay. Do you have any</p> <p>5 understanding of why they would have been</p> <p>6 developing SOPs, then, in 2013?</p> <p>7 MR. MAIER: Objection.</p> <p>8 Foundation.</p> <p>9 THE WITNESS: It may have</p> <p>10 been further enhancing those SOPs,</p> <p>11 but I'm not sure.</p> <p>12 BY MR. CLUFF:</p> <p>13 Q. Okay. All right. That's</p> <p>14 all I have for this document.</p> <p>15 In your work at</p> <p>16 AmerisourceBergen, I think you testified</p> <p>17 that you worked with spreadsheets a lot;</p> <p>18 is that right?</p> <p>19 MR. NICHOLAS: Object to the</p> <p>20 form.</p> <p>21 THE WITNESS: We do work</p> <p>22 with spreadsheets, yes.</p> <p>23 BY MR. CLUFF:</p> <p>24 Q. And that your work with</p>	<p style="text-align: right;">Page 304</p> <p>1 A. Perhaps.</p> <p>2 Q. Give me one second, and I'll</p> <p>3 grab these from my little box back here.</p> <p>4 The first one I want to hand</p> <p>5 to you is a document produced by</p> <p>6 AmerisourceBergen, Bates stamped</p> <p>7 ABDC_MDL_0045077.</p> <p>8 I will apologize in advance</p> <p>9 that these spreadsheets are very hard to</p> <p>10 get onto one page. I've tried my best to</p> <p>11 do that for you.</p> <p>12 - - -</p> <p>13 (Whereupon,</p> <p>14 AmerisourceBergen-Kreutzer</p> <p>15 Exhibit-6, ABDC_MDL_0045077, was</p> <p>16 marked for identification.)</p> <p>17 - - -</p> <p>18 MR. CLUFF: We should</p> <p>19 probably all use the blow-up on</p> <p>20 the screen to the best of our</p> <p>21 ability.</p> <p>22 MR. MAHADY: Sterling, these</p> <p>23 spreadsheets, can we agree to</p> <p>24 treat them confidential?</p>
<p style="text-align: right;">Page 303</p> <p>1 spreadsheets was partly to review</p> <p>2 customer orders when they came up from</p> <p>3 the distribution centers, correct?</p> <p>4 A. Which time frame are we</p> <p>5 referring to?</p> <p>6 Q. Between 2009 and 2015.</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever have occasion</p> <p>9 to review spreadsheets that reflected</p> <p>10 orders that were reported to the DEA?</p> <p>11 A. I don't recall that.</p> <p>12 Q. Did you have occasion to</p> <p>13 review spreadsheets that reflected CSRA</p> <p>14 comments for shipments between 2007 and</p> <p>15 2012?</p> <p>16 A. I don't recall that.</p> <p>17 Q. Did you have occasion to</p> <p>18 review a history report of all shipments,</p> <p>19 a spreadsheet that catalogued that</p> <p>20 information?</p> <p>21 A. I don't recall.</p> <p>22 Q. Do you think if I showed you</p> <p>23 a copy of some of those spreadsheets they</p> <p>24 would refresh your recollection?</p>	<p style="text-align: right;">Page 305</p> <p>1 MR. CLUFF: Yes, all three.</p> <p>2 So I'm going to be using 45077,</p> <p>3 45075 and 45076, and all three</p> <p>4 will be treated as confidential.</p> <p>5 BY MR. CLUFF:</p> <p>6 Q. These are excerpts of</p> <p>7 voluminous records. They have been</p> <p>8 selected to identify a single pharmacy,</p> <p>9 which is Acme Pharmacy Number 30, which</p> <p>10 is located in Stow, which is within --</p> <p>11 off the top of my head, I can't remember</p> <p>12 if it's Cuyahoga or Summit County, but</p> <p>13 it's definitely a CT 1 jurisdiction.</p> <p>14 Looking up on the top left</p> <p>15 corner --</p> <p>16 MR. CLUFF: Can you blow</p> <p>17 this up, Zach, top left corner?</p> <p>18 BY MR. CLUFF:</p> <p>19 Q. -- it says, Reported to DEA,</p> <p>20 report for all Ohio customers from</p> <p>21 1/1/2007 to 12/31/2012.</p> <p>22 Is that a spreadsheet that</p> <p>23 you would have any familiarity with?</p> <p>24 A. I don't remember this</p>

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1 spreadsheet.

2 Q. Set that aside for just a

3 second, then. That's okay.

4 I'd like to also hand you

5 another document. It's a native file we

6 converted to PDF. It is Bates marked

7 ABDC_MDL_0045075. I ask that this also

8 be treated as confidential.

9 - - -

10 (Whereupon,

11 AmerisourceBergen-Kreutzer

12 Exhibit-7, ABCD_MDL_0045075, was

13 marked for identification.)

14 - - -

15 MR. CLUFF: Zach, please

16 blow up the top left corner there

17 so we can all read the heading.

18 BY MR. CLUFF:

19 Q. You can see, Mr. Kreutzer,

20 that this document is -- at least the

21 heading there at the top left is, CSRA

22 comments report for all Ohio customers

23 from 1/1/2007 to 12/31/2012.

24 Do you see that?

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1 A. Yes.

2 Q. Is this a report that you

3 have any familiarity with?

4 A. I do not.

5 Q. But you worked in the CSRA

6 department, correct?

7 A. I did.

8 Q. Okay. And so you would have

9 reviewed orders, as part of your work in

10 the CSRA department, to determine if they

11 could be approved or had to be cancelled,

12 correct?

13 A. Correct.

14 MR. CLUFF: Zach, can you

15 remove that blow-up, please? And

16 then over to the right, there is a

17 column that says, User ID. And

18 next to it there's another column

19 that says, Action taken.

20 Can you blow those up,

21 please?

22 BY MR. CLUFF:

23 Q. Looking on the screen in

24 front of you, Mr. Kreutzer, do you see

Page 308

1 where it says, User ID, in the top left

2 corner?

3 A. Yes.

4 Q. And underneath that is your

5 first initial and last name, K. Kreutzer?

6 A. Yes.

7 Q. So based on your work as a

8 diversion control specialist in the CSRA

9 department, and looking at this document,

10 does it reflect decisions that would have

11 been made by employees of

12 AmerisourceBergen, including yourself,

13 regarding customer orders?

14 MR. NICHOLAS: Objection.

15 Form and foundation.

16 THE WITNESS: Can you ask

17 that question again?

18 BY MR. CLUFF:

19 Q. Sure.

20 I'm trying to understand

21 what this document is. And I see that

22 it's got your first initial and your last

23 name on it. And that it has a column

24 entitled, Action taken.

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1 And I'm trying to

2 understand, you know, based on the

3 heading, CSRA comments report, and some

4 of the information that's contained in

5 the document, what's reflected in here.

6 And the question is, does

7 this contain a record of customer orders

8 that would have been reviewed by

9 AmerisourceBergen employees, specifically

10 in the CSRA department, to determine

11 whether or not they could be, you know,

12 released or cancelled?

13 A. I believe so, yes.

14 Q. Have you ever seen a report

15 like this before?

16 A. I don't recall this

17 document.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 Q. All right. Let's -- I want
5 to hand you one more.
6 MR. CLUFF: Zach, this will
7 be Number 43.
8 It's another Excel native
9 spreadsheet that was produced by
10 AmerisourceBergen that we'll treat
11 as confidential. It is
12 ABDC_MDL_00045076, and we'll mark
13 it as Exhibit-8.
14 - - -
15 (Whereupon,
16 AmerisourceBergen-Kreutzer
17 Exhibit-8, ABDC_MDL_00045076, was
18 marked for identification.)
19 - - -
20 MR. CLUFF: Zach, can you
21 blow up the top left corner of
22 that document?
23 BY MR. CLUFF:
24 Q. It says, History report

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1 requested for all Ohio customers from
2 1/1/2007 to 12/31/2012.
3 Do you see that, Mr.
4 Kreutzer?
5 A. Yes, I do.
6 Q. Do you have any
7 understanding about whether this document
8 would reflect all shipments by
9 AmerisourceBergen to customers in Ohio
10 between 2007 and 2012?
11 MR. NICHOLAS: Object to the
12 form. And lack of foundation.
13 THE WITNESS: I don't know.
14 BY MR. CLUFF:
15 Q. You were responsible for
16 reviewing customer orders while you were
17 a diversion control specialist, correct?
18 A. Correct.
19 Q. Just looking at this
20 document, we'll start on the left, it
21 says, Division, DEA, at the top heading.
22 Would that be
23 AmerisourceBergen's DEA number? Or do
24 you know whose that would be?

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1 A. I believe that is
2 AmerisourceBergen's Columbus distribution
3 center's DEA, but I'm not 100 percent
4 certain.
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 Q. Then the next column over is
17 a shipping address, Line 1, that appears
18 to be just a street address for the
19 pharmacy, right?
20 A. Yes.
21 Q. Next column is -- I was
22 reading it without abbreviating it.
23 Do you want me to read the
24 abbreviation so it's clear? Or if I --

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1 A. No.
2 MR. NICHOLAS: In this case,
3 it's okay.
4 BY MR. CLUFF:
5 Q. So the next column over,
6 based on what I'm reading, looks like
7 shipping address, city name?
8 A. Yes.
9 Q. Which would be the city this
10 pharmacy is located in.
11 And then the next column is
12 ship address, state code.
13 Here it looks like it's
14 Ohio, correct?
15 A. Right.
16 Q. Next column over is shipping
17 address, zip 5, probably code again.
18 The zip code the pharmacy is
19 listed in?
20 A. Yes.
21 Q. Customer PO number.
22 Would that stand for
23 purchase order number?
24 A. Yes.

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1 Q. We looked at the DEA -- the
2 reported to DEA spreadsheet, which is
3 Exhibit-6, and we talked about that that
4 column -- that spreadsheet had a column
5 called purchase order number as well,
6 correct?
7 A. Yes.
8 Q. Moving to the right, again,
9 we see customer DEA is the next column,
10 and that would be this pharmacy
11 customer's DEA number, right?
12 A. Correct.
13 Q. The next column over is,
14 Customer chain ID.
15 Do you have any idea about
16 what a customer chain ID number is?
17 A. Since that is a -- appears
18 to be a retail pharmacy chain, Acme, I
19 believe that's the chain ID number
20 associated with this particular customer.
21 Q. Okay. So chain pharmacies
22 had an additional ID aside from their
23 AmerisourceBergen customer ID?
24 A. I don't recall.

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1 Q. Understood.
2 The next column over, it's
3 kind of wrapped over, but it says,
4 Customer DEA TY.
5 Do you know what that stands
6 for? Could it refer to type?
7 A. I believe so, yes.
8 Q. So what would the R1
9 designation refer to?
10 A. I'm not sure. I don't
11 recall.
12 Q. Does it have any relation to
13 retail chains?
14 A. I am not sure.
15 Q. The next column over is,
16 Customer size. And on the first four
17 lines, there is an M and after that, the
18 designation changes to L.
19 Do you know what is
20 identified in that column?
21 A. What the letters stand for?
22 Q. Yes.
23 A. That would be medium and
24 large.

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 Q. Moving to the right one
21 more, it says, Order date.
22 That would have been just
23 the order -- or the date for this order
24 that we're looking at, right?

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1 A. Yes.
2 Q. And the quantity ordered,
3 how does AmerisourceBergen measure
4 quantities? So I see there at the top it
5 says 49 is the quantity ordered.
6 Does that mean 49 pills were
7 ordered?
8 A. That just seems like an odd
9 number to -- for an order quantity.
10 Usually, they would be in even numbers.
11 Q. But what I'm trying to
12 figure out is, were they ordering 49
13 batches of 100 pills?
14 A. It could be 49 bottles of
15 whatever they're ordering.
16 Q. How many bottles -- how many
17 pills would be in a bottle?
18 A. It varies. It could be 100
19 dosage units. It could be 500. It could
20 be 1,000.
21 Q. I want to go over two -- two
22 columns that say item family and item
23 description.
24 Would these columns tell us

Page 322

1 what family of drug and the description
 2 of what was being ordered?
 3 A. Yes.
 4 Q. So morphine solid would be a
 5 solid form of a morphine pill?
 6 A. Yes.
 7 Q. And then what would a
 8 morphine sulfate be, or morphine SULF?
 9 A. That's just the brand name
 10 or generic name.
 11 Q. Okay. Scrolling over, there
 12 is an item schedule column.
 13 Under that, it says, C-II?
 14 A. Yes.
 15 Q. So is that the class of drug
 16 that would have been ordered?
 17 A. Yes.
 18 Q. And the next column over is
 19 DC, with a number 10 under it.
 20 Can you tell me what that
 21 number is?
 22 A. That's the Columbus DC
 23 number.
 24 Q. Okay. The next column over

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1 is user ID. If you go five down, it
 2 says, AREDFOX.
 3 Would that be somebody
 4 else's first initial and last name
 5 combined, or do you know what that --
 6 what those letters designated?
 7 A. I don't know what that
 8 designates. I don't know who that is.
 9 Q. If you keep moving down that
 10 column, there's a field that reads,
 11 DRC1213.
 12 Do you know what that
 13 designates?
 14 A. I do not.
 15 Q. Did AmerisourceBergen
 16 employees such as yourself have IDs that
 17 they sometimes used in addition to their
 18 names or initials?
 19 A. We had user IDs, numbers.
 20 Q. So this DRC1213, could that
 21 be somebody's user ID?
 22 MR. NICHOLAS: Object to the
 23 form.
 24 THE WITNESS: I'm not sure.

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1 BY MR. CLUFF:
 2 Q. If you go to the next
 3 column, it says, Release code.
 4 And then midway down on the
 5 screen, there is an abbreviation, IN.
 6 Do you know what that stands
 7 for?
 8 A. I do not.
 9 Q. Could it potentially stand
 10 for investigation?
 11 MR. NICHOLAS: Object to the
 12 form.
 13 THE WITNESS: It may, but
 14 I'm not sure.
 15 BY MR. CLUFF:
 16 Q. Scrolling down, do you see
 17 that there is an abbreviation, AC?
 18 A. Yes.
 19 Q. Do you know what that stands
 20 for?
 21 A. I do not.
 22 Q. Could it perhaps stand for
 23 approved by a CSRA?
 24 MR. NICHOLAS: Same

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1 objection.
 2 THE WITNESS: That's what
 3 the comments state.
 4 BY MR. CLUFF:
 5 Q. So is it reasonable to
 6 assume that means approved by CSRA?
 7 MR. NICHOLAS: Object to the
 8 form.
 9 THE WITNESS: For this
 10 particular item, yes.
 11 BY MR. CLUFF:
 12 Q. I want you to look for me
 13 again at Exhibit Number 6, which is the
 14 first spreadsheet I handed you that is
 15 45077.
 16 Do you see that? In the
 17 middle --
 18 MR. CLUFF: Zach, could you
 19 blow up the middle of the document
 20 for me where we can see the
 21 customer purchase order number
 22 through to the item description?
 23 BY MR. CLUFF:
 24 Q. Starting in the middle of

<p style="text-align: right;">Page 326</p> <p>1 that page, Mr. Kreutzer, do you see where 2 it says -- 3 MR. CLUFF: Can you pull 4 that to -- I need to see the 5 purchase order number, Zach. It's 6 to your left. 7 BY MR. CLUFF: 8 Q. So the purchase order number 9 says, CES112610. 10 Do you see that? 11 A. Yes. 12 Q. And there are four lines 13 there? 14 A. Yes. 15 Q. Okay. Keep that in front of 16 you, just kind of hold it, put your 17 finger on that. And then go back to 18 Exhibit Number 8, and go to Page 7. 19 And at the bottom third of 20 the page, you'll see midway down, in the 21 customer purchase order number column, 22 that CES112610 begins. 23 MR. CLUFF: That's the wrong 24 one, Zach.</p>	<p style="text-align: right;">Page 328</p> <p>1 were looking at in the DEA report, 2 CES112610? 3 A. Yes. 4 Q. If you scroll to the right, 5 to the column that has the release codes 6 in it, if you -- if you look down at the 7 bottom of that order, there is a code 8 that says, AC. 9 Would that mean that this 10 report -- this order was approved for 11 shipment by the CSRA? 12 A. I don't see any information. 13 MR. NICHOLAS: I don't see 14 it either, I'm sorry. 15 MR. CLUFF: Do this for me, 16 Zach, do you see the first 17 CES112610? 18 BY MR. CLUFF: 19 Q. Can you see it now on there, 20 Mr. Kreutzer? 21 A. I'm sorry, what are we 22 looking at? 23 Q. Can you see the highlighted 24 portion --</p>
<p style="text-align: right;">Page 327</p> <p>1 BY MR. CLUFF: 2 Q. Can you see on your page, 3 Mr. Kreutzer -- 4 A. I cannot. I can't read 5 this. 6 Q. That probably makes a lot of 7 us. 8 A. I mean, I can read it on the 9 monitor in front of me. 10 MR. CLUFF: Keep going down, 11 Zach. To the very bottom of your 12 screen right now, Zach. Right 13 there. 14 And then drag it to your 15 left, Zach. 16 BY MR. CLUFF: 17 Q. So do you see the order 18 number there, Mr. Hazewski? 19 MR. NICHOLAS: You mean Mr. 20 Kreutzer? 21 BY MR. CLUFF: 22 Q. I'm sorry. Yes. Mr. 23 Kreutzer. 24 Is that the same number we</p>	<p style="text-align: right;">Page 329</p> <p>1 A. Yes, yes. 2 Q. So if you -- all the way to 3 the left of your screen, you'll see a 4 list of order numbers. And Zach has 5 highlighted one that says 112610 up 6 there. 7 A. Yes. 8 Q. There's also one that 9 precedes that, that's not highlighted 10 yet. 11 But if you travel down that 12 number, you see that the order number 13 remains the same all the way until he 14 gets to the bottom row that's 15 highlighted, correct? 16 A. Correct. 17 Q. And if you drag the 18 highlighted portion all the way over to 19 the end where we have those codes, you'll 20 see that they start out as IN codes and 21 then end as AC codes. 22 MR. MAHADY: Hold on a 23 second. I think you need to 24 take -- do you want the witness</p>

<p style="text-align: right;">Page 330</p> <p>1 to leave so we can talk about 2 this? I don't want to -- 3 MR. CLUFF: Step out for a 4 second, Mr. Kreutzer. Give us -- 5 MR. NICHOLAS: Go out and 6 we'll talk about this so we don't 7 influence your testimony. 8 THE WITNESS: You want me to 9 leave? 10 MR. CLUFF: Just for a 11 minute. 12 VIDEO TECHNICIAN: Off the 13 record at 3:51 p.m. 14 - - - 15 (Whereupon, a brief recess 16 was taken.) 17 - - - 18 VIDEO TECHNICIAN: We're 19 back on the record at 4:11 p.m. 20 MR. CLUFF: Mr. Kreutzer, 21 we're back on the record. 22 But before we start back 23 with you, your lawyers and I 24 discussed some of these</p>	<p style="text-align: right;">Page 332</p> <p>1 marked as Exhibit-6, which is 2 Bates number ABDC_MDL_00045077, 3 along with the documents 4 identified as Exhibits-7 and 8, 5 are not traditionally kept in this 6 format during AmerisourceBergen's 7 regular course of business. 8 And that during the creation 9 of Exhibit-6, there was, I 10 believe, what we have mutually 11 referred to as a data collection 12 error, or a data collection 13 malfunction that resulted in 14 inaccuracies in ABDC_MDL_00045077, 15 specifically that this document 16 may reflect orders being reported 17 to the DEA that were not actually 18 reported to the DEA. 19 We understand, as 20 plaintiffs, that these documents, 21 Exhibits-6, 7 and 8, were 22 reproduced after the data 23 malfunction was discovered and 24 that subsequently produced</p>
<p style="text-align: right;">Page 331</p> <p>1 spreadsheets that we were asking 2 you questions about, and we've 3 come to an understanding about 4 them. So I'm going to do what's 5 called make a record of our 6 discussion. 7 I understand that you have 8 not been privy to any discussions 9 about these spreadsheets, so I'm 10 not going to ask you any questions 11 about discussions you had in the 12 hallway. 13 So during the break, counsel 14 for AmerisourceBergen and I met 15 and conferred about what has 16 previously been identified during 17 this deposition as Exhibits 6, 7 18 and 8. Specifically, I was 19 informed, and this is something 20 that was disclosed during document 21 production, so it was not a 22 surprise, although it was 23 re-uncovered again today during 24 the deposition, that the document</p>	<p style="text-align: right;">Page 333</p> <p>1 versions of these documents 2 contain more correct data. 3 So for the purposes of this 4 deposition, I will no longer be 5 relying on Exhibit-6 for further 6 questioning. We discussed that I 7 do have some limited questions 8 regarding Exhibits-7 and 8, but 9 that the data malfunctions in 10 Exhibit-6 do not pervade 11 Exhibits-7 and 8. 12 And with that, I think I'll 13 turn it over to counsel for 14 AmerisourceBergen to correct me if 15 I'm wrong. 16 MR. MAHADY: That is fine. 17 The only thing I'll add is that 18 the subsequently produced version 19 of Exhibit-6 was limited in scope 20 to Summit and Cuyahoga and not 21 Ohio. 22 MR. CLUFF: Understood. 23 MR. MAHADY: But counsel's 24 representations accurately reflect</p>

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1 our understanding of the issue.
 2 And we'll meet and confer with
 3 counsel following the deposition.
 4 BY MR. CLUFF:
 5 Q. So with that understanding,
 6 Mr. Kreutzer, we'll pick back up with you
 7 and remind you that you're under oath
 8 again.
 9 I'll turn back to Exhibit-7
 10 which is ABDC_MDL_450705.
 11 Do you have that in front of
 12 you?
 13 A. I do.
 14 Q. I'd like you to look at this
 15 document, because we previously looked at
 16 the user ID column, and we noted that
 17 your -- the first initial of your first
 18 name and your last name are in that
 19 column.
 20 MR. CLUFF: I'm going to ask
 21 Zach to blow up and highlight, so
 22 we can all see the headings,
 23 starting with customer purchase
 24 order number all the way to action

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1 taken.
 2 So we're continuing to
 3 action taken. Unfortunately,
 4 these spreadsheets are rather
 5 unwieldy.
 6 BY MR. CLUFF:
 7 Q. So you can see on the very
 8 left, highlighted, we've got purchase
 9 order number. And then on the right,
 10 we've got action taken.
 11 If you see under user ID,
 12 it's got your name, K. Kreutzer.
 13 I guess I should ask you.
 14 Does that reflect that you were the
 15 person who would have been taking action
 16 on these?
 17 MR. NICHOLAS: Are you able
 18 to blow these up any more or not?
 19 MR. CLUFF: Yeah. Zach, can
 20 you try and just blow up the user
 21 ID and action taken column so we
 22 can see it?
 23 BY MR. CLUFF:
 24 Q. Do you see that, Mr.

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1 Kreutzer?
 2 A. I do, yes.
 3 Q. Okay. So in your role as a
 4 diversion control specialist, you would
 5 have reviewed customer orders that hit
 6 OMP, correct?
 7 A. Correct.
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]

Page 337

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 Q. Okay. And if you look at
 11 the column that says, Action taken.
 12 Under there, we see two -- on the screen
 13 in front of you, we see two different
 14 entries. One is, Approved for
 15 processing.
 16 What would you have been
 17 referring to if you entered approved for
 18 processing as the action taken on an
 19 order that hit OMP for review?
 20 A. I'm not exactly sure,
 21 because I don't remember using -- I don't
 22 know if the action taken notes is
 23 automatic or we have to enter those notes
 24 manually.

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1 This is going back eight
2 years. I don't know other than what
3 information is on the screen here.
4 Q. Were you looking at the
5 heading column, action name, where it
6 says, Auto and manual/auto?
7 A. Yes.
8 Q. Do you have any
9 understanding of what an auto action name
10 would be?
11 A. I do not.
12 Q. And do you have any
13 understanding of what a manual/auto
14 action would be?
15 A. I do not.
16 Q. Okay. Going back to the
17 action taken column, do you see where it
18 says, Closed, notify compliant customer?
19 A. Right.
20 Q. When you compare that to
21 approved for processing, do you know what
22 either of those terms means, approved for
23 processing or closed, notify compliant
24 customer?

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1 A. I do not.
2 Q. Based on your work as a
3 diversion control specialist, could
4 either of those terms mean that this
5 order was approved for shipment?
6 MR. NICHOLAS: Object to the
7 form.
8 But go ahead.
9 THE WITNESS: I can't
10 acknowledge that.
11 BY MR. CLUFF:
12 Q. Okay. But did you have any
13 understanding about what kind of terms
14 you used, pre-2015, to denote an order
15 that was approved for shipment?
16 A. These notes listed here, I
17 don't remember using these notes.
18 Q. Okay. Sure. Can you look
19 at Exhibit Number 8? That's the heavier
20 of the two spreadsheets, or the thicker
21 of the two. It's the one with 45076 at
22 the top.
23 I'm going to have them
24 highlight a portion of this for you, so

Page 340

1 you and I can talk about it.
2 The heading on this
3 spreadsheet is, History of all Ohio
4 reports.
5 And during the break, I'll
6 just make one further clarification, it
7 was represented that this document is a
8 complete list of all orders for Ohio that
9 went into OMP review. So I'll make that
10 representation to you, just to kind of
11 clear it up.
12 MR. MAHADY: We'll just add
13 that it's been filtered by
14 plaintiffs.
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 Zach, can you highlight all
20 the way over to where it has the
21 notes in the column after IN?
22 BY MR. CLUFF:
23 Q. So, Mr. Kreutzer, I had our
24 tech here blow up a portion of this

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1 spreadsheet so we can look at it.
2 I will represent to you that
3 at the very left of your screen is the
4 customer purchase order number. You can
5 see that reflected there.
6 And then to the very far
7 right is a heading called, Column 1. And
8 immediately to the left of that, the
9 heading is, Release code.
10 I want to focus on the
11 headings with -- the two columns to the
12 very far right, the release codes and
13 then the comment.
14 So in the middle of your
15 screen on the right, there's a release
16 code that says, AC. We previously talked
17 about this one. And in the comment, it
18 says, Approved by CSRA per Ed
19 Hazewski/Kevin Kreutzer.
20 Reviewing the release code
21 with the comment together, do you have an
22 understanding of what the code AC stands
23 for?
24 A. I do not.

<p style="text-align: right;">Page 342</p> <p>1 Q. Looking at comment 1, it 2 says, Approved by CSRA per Ed 3 Hazewski/Kevin Kreutzer. 4 Do you know if that means 5 this order could have been released for 6 shipment? 7 A. According to the comment 8 section, it says the order was approved. 9 Q. Does that mean it was 10 approved for shipment to the customer? 11 A. I assume so, yes. 12 Q. If you come down into the 13 highlighted -- the big block highlighted 14 portion, to the very far left of your 15 screen, the purchase order number is 16 CES042110. 17 Do you see that? 18 A. Yes. 19 Q. And over to the far right in 20 the comments section, there is a note 21 that is repeated in pairs a number of 22 times. And it says, Retail oxycodone, 23 63.8 percent -- I believe it's a 24 percentage -- over.</p>	<p style="text-align: right;">Page 344</p> <p>1 could be over threshold, but I'm not 2 certain. 3 Q. Okay. Do you have anything 4 else that it would be besides over 5 threshold? 6 A. Not that I can think of. 7 Q. I want to scroll down to the 8 next page and stay with this order 9 number, which is CES042210. Zach is 10 going to -- 11 MR. CLUFF: Blow it up for 12 us real big, Zach. 13 BY MR. CLUFF: 14 Q. So do you see in the top 15 left corner there of the highlighted 16 block there is the customer order number, 17 which is CES042210? 18 A. Yes. 19 Q. That's the same order number 20 we were looking at the previous screen? 21 A. Yes. 22 Q. And if you go over to the 23 far right, there's the release code and 24 the comment 1. The release code is for</p>
<p style="text-align: right;">Page 343</p> <p>1 The quality of the copy is a 2 little bad, I apologize. It's clearer in 3 the printout, if you look at that. 4 Do you see where that is? 5 A. I do. 6 Q. Do you have any 7 understanding, reading this document, 8 what that comment signifies? 9 A. According to the release 10 code, it says IN. So I don't know if 11 that order was approved or rejected. 12 Q. I'm going to get to that 13 question in a second. 14 I'm trying to understand 15 what retail oxycodone 63.89 percent over 16 means. 17 A. It could mean -- it's a 18 retail pharmacy, oxycodone drug family, 19 and the 63.89 percent over. 20 Q. So that would have been -- 21 I'm sorry, I didn't mean to interrupt 22 you. 23 A. I'm assuming that's -- I'm 24 not really sure what that means. It</p>	<p style="text-align: right;">Page 345</p> <p>1 the top -- I can't count how many lines 2 that is, but the release code is AC, and 3 the comment is, Approved per Edward -- or 4 Ed Hazewski. 5 Is that -- 6 A. Yes. 7 Q. Would that mean that this 8 order was approved for processing and 9 shipment to the customer? 10 A. It appears so. 11 Q. What kind of due diligence 12 or investigation would have been 13 conducted before an order like this was 14 approved by Ed Hazewski? 15 A. I don't know. I don't know 16 who actually approved this order. 17 Q. Do you have any reason to 18 believe this was not approved by Ed 19 Hazewski? 20 A. Other than the notes say 21 otherwise. 22 Q. If you look at the order 23 date, it looks like it goes year, month 24 and day, which would be 2010/04/22.</p>

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[illegible]

9 MR. NICHOLAS: Object to the
10 form.

11 THE WITNESS: Yes.

¹² BY MR. CLUFF:

13 Q. Was there a policy or
14 procedure document that described to you
15 what a detailed investigation included?

16 A. I don't recall that
17 document.

[illegible]

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Row	Bar Length (approx. %)
1	85
2	95
3	98
4	15
5	45
6	15
7	90
8	80
9	100
10	98
11	35
12	15
13	90
14	90
15	100
16	15
17	55
18	15
19	90
20	85
21	75
22	15
23	95
24	90
25	20
26	15
27	100

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1 ■ ■ ■

2 Q. So, then, this note in the

3 comments, Approved per Ed Hazewski, is

4 that an example of documentation of a

5 detailed investigation?

6 A. I don't know.

7 Q. This is one of the areas --

8 I'm sorry, I didn't mean to interrupt

9 you.

10 A. I don't know. There may be

11 other documentation elsewhere that I'm

12 not aware of.

13 Q. But this is one area where

14 you said detailed documentation would

15 exist?

16 A. It could, yes.

17 Q. And you said also it might

18 be in Lawtrac?

19 A. Yes.

20 Q. So if a customer's order

21 hit -- or went into OMP for review and

22 there was a detailed investigation

23 carried out about that order, that would

24 be in Lawtrac, right?

Page 351

1 A. It could be, yes.

2 Q. Would there be documentation

3 associated with that review?

4 A. Like I said, it all depends

5 on the review, yes.

6 Q. Were there ever any e-mails

7 generated that documented the findings of

8 these detailed investigations about OMP

9 review?

10 MR. NICHOLAS: Object to the

11 form.

12 THE WITNESS: I don't know.

13 BY MR. CLUFF:

14 Q. Do you recall receiving

15 e-mails from an e-mail address

16 ABC-notification@AmerisourceBergen

17 regarding orders in OMP review?

18 A. No, I don't recall.

19 Q. You previously testified

20 there were a couple of places where

21 documentation about investigations like

22 this could be stored.

23 But was there a standard

24 place where it would have been stored?

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1 MR. NICHOLAS: Object to the

2 form.

3 THE WITNESS: At that time,

4 I believe it would be either

5 Lawtrac or the system itself.

6 BY MR. CLUFF:

7 Q. "The system itself" would

8 be?

9 A. This system that we see in

10 front of us.

11 Q. The system that generated

12 the spreadsheet?

13 A. Yeah, this -- yeah, exactly.

14 Q. And it would have been

15 recorded in this comments field?

16 A. Yes.

17 MR. NICHOLAS: Object to the

18 form.

19 Go ahead.

20 BY MR. CLUFF:

21 Q. And just so I understand,

22 the system that you're referring to, you

23 didn't enter into an Excel spreadsheet

24 and manually make these notes, right?

Page 353

1 A. Not into a spreadsheet, no.

2 Q. You would have been working

3 with sort of a computer program that had

4 fields for you to work in?

5 A. I'm not sure I follow you.

6 Q. Like, when you order

7 something online, there are fields for

8 you to enter information into, like your

9 name and your address and your credit

10 card number?

11 A. Yes.

12 Q. So did you work with a

13 computer program that had fields similar

14 to that for you to put information into

15 when you were investigating an order?

16 A. In that system that we used

17 in 2010, I believe there was a note

18 section where we could have put notes in.

19 MR. CLUFF: Let's take a

20 break. I think I have maybe one

21 more topic that I want to cover,

22 but then we'll probably wrap up.

23 I know people have flights they

24 want to catch, down at the end of

Page 354

1 the table.

2 VIDEO TECHNICIAN: Off the

3 record at 4:31 p.m.

4 - - -

5 (Whereupon, a brief recess

6 was taken.)

7 - - -

8 VIDEO TECHNICIAN: We are

9 back on the record at 4:41 p.m.

10 BY MR. CLUFF:

11 Q. Mr. Kreutzer, we're back on

12 the record and you're still under oath.

13 I'll do my best to get you out of here

14 quickly, if your lawyers don't have

15 further questions on you. So lean on

16 them, and get us all home.

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

Page 355

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

█ [REDACTED]

8 Q. Was there ever a push or an

9 incentive to increase the rates at which

10 DC associates were releasing

11 low-to-medium drug families?

12 A. We had a spreadsheet of all

13 the participation rates of all the

14 distribution centers, as far as

15 adjudicating low- and medium-risk drug

16 families.

17 Q. Forgive my lay

18 understanding.

19 What is a participation

20 rate?

21 A. Participation rate would be

22 the adjudication rate, let me clarify.

23 Q. And is that adjudication

24 rate calculated by taking the total

Page 356

1 number of orders that come in for DC

2 review and comparing it to the number

3 that were escalated for CSRA interview?

4 A. Yes, for low- and

5 medium-risk drug families.

6 Q. Do you -- you're familiar

7 with the concept of a Schedule II drug

8 and a Schedule III drug?

9 A. Yes.

10 Q. Schedule I drug?

11 A. Yes.

12 Q. What is your understanding

13 of the different schedules?

14 A. Schedule I has no legitimate

15 medical use; Schedule II is products that

16 are prone to high risk for diversion; and

17 Schedule III is just a lower risk of

18 those drugs that are a potential for

19 diversion.

20 Q. Who classifies drugs as

21 Schedule I, II or III?

22 A. The DEA.

23 Q. AmerisourceBergen does not

24 ship Schedule I drugs, correct?

Page 357

1 A. I don't believe so, no.

2 Q. But AmerisourceBergen does

3 ship Schedule II and Schedule III drugs,

4 correct?

5 A. Yes.

6 Q. We've previously talked, and

7 you've mentioned low-, medium- and

8 high-risk drug families.

9 A. Yes.

10 Q. Were there ever any other

11 categories besides low, medium and high?

12 A. I don't believe so.

13 Q. Do you know if Schedule II

14 drugs were classified as medium risk by

15 AmerisourceBergen?

16 A. There may have been. But

17 over the years, we have moved drug

18 families from low to medium, medium to

19 high and high to medium. So it's -- we

20 do an annual refresh every year.

21 Q. Just so I understand the

22 parallels here, though, you described a

23 Schedule II drug as a high risk for

24 diversion, correct?

Page 358

1 A. Yes.

2 Q. What was -- what was the

3 high-risk category? How did

4 AmerisourceBergen define high risk?

5 MR. NICHOLAS: Object to the

6 form.

7 Go ahead.

8 THE WITNESS: I believe just

9 as the explanation that I

10 provided, drug families that are

11 prone to diversion.

12 BY MR. CLUFF:

13 Q. And so Schedule IIs had a

14 high risk for diversion.

15 But if I understand it

16 correctly, you testified that at some

17 points in time AmerisourceBergen

18 categorized Schedule IIs as medium risk;

19 is that right?

20 A. I don't believe that. What

21 my explanation is, is that we've always

22 had drug families that are in a high-risk

23 category. And we -- as well as medium

24 and low.

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1 But over time and in review

2 with management and our pharmacist on

3 staff, we determined that some risks may

4 be -- needed to be switched from medium

5 to high, for instance.

6 Q. I understand that. Thank

7 you.

8 So I guess my question is

9 maybe a little bit more specific.

10 If Schedule II drugs have

11 been determined by the DEA to have a high

12 risk of diversion, has AmerisourceBergen

13 always categorized Schedule II drugs as a

14 high-risk drug family, or have they ever

15 been categorized as medium risk?

16 MR. NICHOLAS: Object to the

17 form.

18 THE WITNESS: I don't recall

19 them ever being medium risk.

20 BY MR. CLUFF:

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Page 360

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. I'll hand you another

Page 361

1 document. We're going to mark this as

2 Exhibit 9. This is ABDC_MDL_00047572.

3 - - -

4 (Whereupon,

5 AmerisourceBergen-Kreutzer

6 Exhibit-9, ABDC_MDL_00047572, was

7 marked for identification.)

8 - - -

9 BY MR. CLUFF:

10 Q. There were some Excel

11 spreadsheets attached to that document.

12 I elected not to include them and save

13 the paper. I just have a couple quick

14 questions on this, Mr. Kreutzer.

15 MR. NICHOLAS: Just give him

16 a moment.

17 BY MR. CLUFF:

18 Q. Sure. I'll just let you

19 know my questions are going to be about

20 the first paragraph. So if you want to

21 focus your analysis there, that would

22 help.

23 MR. NICHOLAS: Read the

24 whole document anyway.

Page 364

■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]

■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]

[illegible]

[REDACTED]
 [REDACTED]
 [REDACTED]

Country	Share of GDP
United States	1.2%
Germany	0.8%
France	0.7%
United Kingdom	0.6%
Italy	0.5%
Spain	0.4%
Japan	0.3%
China	0.2%
India	0.1%
Other countries	0.1%

■ [REDACTED]

■ [REDACTED]

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■ [REDACTED]
■ [REDACTED]

☐ [REDACTED]

■ [REDACTED]
 ■ [REDACTED]
 ■ [REDACTED]

[REDACTED]
 [REDACTED]
 [REDACTED]

■ **_____**
 ■ **_____**
 ■ **_____**

1. **Identify the subject and the verb in the sentence.**
 2. **Identify the object of the verb.**
 3. **Identify the subject of the sentence.**

□ [REDACTED]

[REDACTED]

[REDACTED]































Page 366

[REDACTED]

Page 368

[REDACTED]

19 Q. Let's hand you the next
20 document. This is going to be marked as
21 Number 10.
22 - - -
23 (Whereupon,
24 AmerisourceBergen-Kreutzer

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[REDACTED]

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1 Exhibit-10, ABDC_MDL_00151471-472,
2 was marked for identification.)
3 - - -
4 MR. CLUFF: It is
5 ABDC_MDL_00151471. It's a
6 two-page document ending in
7 151472.
8 THE WITNESS: Okay.
9 BY MR. CLUFF:
10 Q. At the top, this is an
11 e-mail from Eric Cherveny to Greg
12 Hamilton, with a cc to you.
13 Do you know who Greg
14 Hamilton was?
15 A. Greg Hamilton is the CSRA
16 distribution center manager for Columbus.

[REDACTED]

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[illegible]

Page 377

Page 378

[REDACTED]

Page 380

[REDACTED]

Page 379

[REDACTED]

Page 381

[REDACTED]

Page 382

[REDACTED]

Page 384

[REDACTED]

Page 383

[REDACTED]

Page 385

[REDACTED]

Page 386

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 Q. What's a listed chemical?
14 A. A listed chemical is
15 pseudoephedrine products.
16 Q. How do you abbreviate that
17 term?
18 A. Listed chemical? LC.
19 Q. Did AmerisourceBergen have
20 different policies and procedures for
21 suspicious orders for listed chemicals
22 than they did for, for example, like
23 opioids or controlled substances?
24 A. I don't recall.

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1 MR. CLUFF: Why don't we
2 mutually take a break. You guys
3 can go see if you have any further
4 questions. I'll confer with Will.
5 And we'll come back in five
6 minutes.
7 VIDEO TECHNICIAN: Off the
8 record at 5:11 p.m.
9 - - -
10 (Whereupon, a brief recess
11 was taken.)
12 - - -
13 VIDEO TECHNICIAN: We're
14 back on the record at 5:19 p.m.
15 BY MR. CLUFF:
16 Q. Mr. Kreutzer, we're back on
17 the record for the last few questions
18 that I have for you, and then I'll turn
19 it over to your counsel to talk.
20 I want to hand you -- excuse
21 me. I'm going to hand you a copy of a
22 document that was produced by
23 AmerisourceBergen. It's
24 ABDC_MDL_00168122, which is an e-mail

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1 that contains a number of attachments.
2 I've included one attachment with the
3 document that begins at ABDC_MDL_00168127
4 and goes to 168134. I'll hand you this
5 one.
6 - - -
7 (Whereupon,
8 AmerisourceBergen-Kreutzer
9 Exhibit-12, ABDC_MDL_00168122 and
10 ABDC_MDL_00168127-134, was marked
11 for identification.)
12 - - -
13 BY MR. CLUFF:
14 Q. I'm not going to ask you any
15 detailed questions about this document at
16 all. I'd like you to just look at it.
17 You do not appear to have
18 received this document. But we have
19 discussed today, at length, Lawtrac
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 Do you see that?

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1 A. Give me a second.
2 MR. NICHOLAS: I don't see
3 that. Where --
4 MR. CLUFF: The cover page,
5 the e-mail, the attachments.
6 MR. NICHOLAS: Where it says
7 attachments, okay. Sorry.
8 MR. CLUFF: I misspoke.
9 BY MR. CLUFF:
10 Q. I was just trying to
11 indicate that this e-mail contained
12 Lawtrac matter texts as attachments.
13 And then if you'll flip to
14 the next page, which has
15 ABDC_MDL_00168127, if you look at the top
16 of the page in the middle of the
17 document, there is some text that says,
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

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Page 392

1 Q. And then look down at the
2 bottom of the page, where it says, Text
3 records.

4 Do you see that?

5 A. Yes.

6 Q. We previously talked, in one
7 of these exhibits, about what you and I
8 kind of referred to as a text box, and
9 you said that might have been
10 documentation that would have been
11 included in Lawtrac.

12 Would that -- that
13 information that we talked about earlier,
14 would that have been under the text
15 records section of these Lawtrac reports?

16 A. Yes.

17 Q. So if I were looking at a
18 Lawtrac report, text records is where I
19 would find the records of investigations
20 or information about ABC's relationship
21 with a customer?

22 A. Correct.

23 Q. Okay. Can you tell me, in
24 looking at this document, where I would

¹ A. Yes, that is correct.

2 Q. So those text boxes, would
3 those have been what I'll refer to as a
4 hyperlink that I could have clicked and
5 it would have taken me to other
6 information?

7 MR. MAHADY: The text box is
8 on the right side of the document?

9 MR. CLUFF: Yes.

10 THE WITNESS: I'm not sure.

¹¹ BY MR. CLUFF:

12 Q. Okay. Did you use Lawtrac
13 matters like this in your work?

14 A. I did.

15 Q. Okay. And I'm not trying to
16 catch you in anything. I'm trying to
17 just understand how you would have used
18 this system.

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1 be able to locate or identify the
2 documents that were associated with this
3 Lawtrac file?

4 MR. NICHOLAS: Object to the
5 form.

THE WITNESS: It's been quite a while since I used this system. I believe in the documents and files column on 168129.

11 BY MR. CLUFF:

12 Q. Let me redirect you to
13 168127.

In the upper right-hand corner, there's an underlined piece of text that says, Main matter screen. And there are text boxes underneath that.

18 Do you see that?

19 A. Yes.

20 Q. And one of them says,
21 Documents and files.

22 A. Yes.

23 Q. Is that the same as the one
24 you were looking at on 129?

[illegible]

22 BY MR. CLUFF:

23 Q. That may be true. I will
24 just represent to you that this is how

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1 the document was produced to me.
 2 And I'm just trying to
 3 figure out where you would click in this
 4 document that is a reflection of a
 5 computer program to get to the documents?
 6 A. There would be documents
 7 posted here that you would be able to
 8 click on.
 9 Q. When you're saying "here,"
 10 can you tell me what page you're looking
 11 at?
 12 A. I would -- I believe it
 13 would be under the linked matters.
 14 Q. What page is that?
 15 A. Page 2 of 3.
 16 Q. I'm sorry?
 17 A. 168128.
 18 Q. Okay. So in the middle of
 19 the page?
 20 A. It would be in,
 21 approximately, that field.
 22 Q. And is there anywhere else
 23 in this Lawtrac file where you would have
 24 been able to access records from?

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1 A. No. It would likely be in
 2 this file.
 3 Q. Okay. Go to
 4 ABDC_MDL_00168129. In the middle of the
 5 page, there is a date, 06/09/14. It
 6 says, Status. Then, Update, 06/09/14,
 7 source name, in-house staff, Kevin
 8 Kreutzer.
 9 Do you see that?
 10 A. I do.
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 Q. Would there have been
 21 documentation attached to this?
 22 A. Yes, there would be.
 23 Q. So that's the last sentence
 24 of that paragraph, it says, Form 590 and

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1 photos are attached?
 2 A. Correct.
 3 MR. CLUFF: That's all I
 4 have.
 5 That's all I've got, just in
 6 case you guys didn't hear me.
 7 MR. NICHOLAS: I have no
 8 questions.
 9 VIDEO TECHNICIAN: This
 10 concludes today's deposition. The
 11 time is 5:28 p.m. We are off the
 12 record.
 13 - - -
 14 (Whereupon, the deposition
 15 concluded at 5:28 p.m.)
 16 - - -
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1 CERTIFICATE
 2
 3
 4 I HEREBY CERTIFY that the
 5 witness was duly sworn by me and that the
 6 deposition is a true record of the
 7 testimony given by the witness.
 8
 9
 10
 11 Amanda Maslinsky-Miller
 12 Certified Realtime Reporter
 13 Dated: November 28, 2018
 14
 15
 16
 17 (The foregoing certification
 18 of this transcript does not apply to any
 19 reproduction of the same by any means,
 20 unless under the direct control and/or
 21 supervision of the certifying reporter.)
 22
 23
 24

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages, 1 - 396, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

KEVIN KREUTZER	DATE
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Subscribed and sworn
to before me this
_____ day of _____, 20____.

My commission expires:_____

Notary Public

ERRATA

PAGE LINE CHANGE/REASON

[illegible]

LAWYER'S NOTES

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